

Panaji, 25th August, 2000 (Bhadra 3, 1922)

SERIES II No. 21

OFFICIAL GAZETTE



GOVERNMENT OF GOA

SUPPLEMENT

GOVERNMENT OF GOA

Department of Law and Judiciary

Legal Affairs Division

Notification

No. 10-4-99/LA

The following orders received from the Govt. of India, Ministry of Steel and Mines, Department of Mines, the Controller of Mining Leases for India, Nagpur, issued under rule 6 of the Mining Leases (Modification of Terms) Rules, 1956 is hereby published for general information of the public.

P. V. Kadnekar, Joint Secretary (Law)

Panaji, 22nd February, 2000.

GOVERNMENT OF INDIA

MINISTRY OF STEEL & MINES

DEPARTMENT OF MINES

THE CONTROLLER OF MINING LEASES FOR INDIA

No. CML/Z-49/99

Dated 23-9-99

Order

[Under Rule 6 of the Mining Leases (Modification of Terms) Rules, 1956]

Whereas a case was registered for the modification of terms of a *mineral mining lease dated 24-2-1950 for* Iron and Manganese held by Shri Muhamed Usman Muhamed Hashan, Curchorem, Goa for perpetual period, area 62.2523 hectares in village Curpem of Taluka Sanguem State of Goa

And whereas an enquiry has been made, as laid down in the Mining Leases (Modification of Terms) Rules, 1956.

2. It is hereby ordered under rule 6 of the aforesaid Rules that terms and conditions of the above lease shall stand modified as follows:-

- (i) Area : The area of the lease is limited to 62.2523 hectares.
- (ii) Period: The period of the lease is reduced to Eighteen months from 23rd May, 87.
- (iii) The following clause shall be deemed to be inserted in the lease deed and shall form part thereof:-

"Except for the modifications made by this order, the lease shall be subject to the rules made or deemed to have been made under sections 13 and 18 of the Mines & Minerals (Regulation & Development) Act, 1957 (No. 67 of 1957)."

3. It is clarified that royalty and dead rent shall be payable in accordance with Section 9 and 9A of the Mines & Minerals (Regulation & Development) Act, 1957 respectively instead of according to the stipulations in the lease deed.

4. It is further clarified that the lessee shall also pay, for the surface area used by him for the purposes of mining operations, surface rent at such rate, as may be specified by the State Government under the Mineral Concession Rules, 1960.

5. This order shall take effect from the date of this order.

6. It is ordered that this order be published in the Official Gazette of Goa State and copies

thereof be sent to the lessee and the State Government.

Sd/-

Nagpur: (C. P. Ambesh)
Dated the 23-9-99. Controller of Mining
Leases for India.

**NOTE EMBODYING THE FACTS OF CASE, PLEAS
OF THE PARTIES & REASONS FOR THE ORDER**

Case No. Z-49. Order dated 23-9-99

Name of the lessee : Shri Muhamed Usman
Muhammed Hashan.
Kadar Manzil, P. O. Box
No. 39, Margao, Goa.

Date of the lease : 24-2-1950

Mineral (s) : Iron & Manganese

Area and Location : 62.2523 Hects. Curpem,
Taluka-Sanguem.

Period : Unlimited

Apart from the insertion of the general clause, the following was the proposal contained in the show cause notice(s) issued to the lessee for modification of the mining lease(s) referred to above:

- i) **Area:** To be reduced to ten square kilometres as required under Section 6 of Mines and Minerals (Regulation & Development) Act, 1957.
- ii) **Period:** To be reduced to two years counting from the date of the modification order, passed under Rule 6 of Mining Leases (Modification of Terms) Rules, 1956.

2. In pursuance of rule 6 of the Mining Leases (Modification of Terms) Rules, 1956, the show cause notice containing the proposals for modification of the above mentioned mining lease was sent to the lessee Shri Muhamed Usman Muhammed Hashan, and the lessor-the Government of Goa, calling upon them to show cause why such modifications/alterations should not be made in the mining lease deed dated 24-2-1950 held by the lessee.

3. The case was also taken up for hearing on 25-8-99 at Goa for enabling both the parties to put forward their case.

4. At the time of hearing on 25-8-99 at Goa, the lessee was represented by his Advocate who stated that there is no need of modification of existing mining leases of Goa. He reiterated the same objections as has been submitted by the lessee vide his objection letter dated 9-8-99. Further, Lessee's Advocate stated during the hearing.

i). that the proposal to reduce the **area** of lease under Section 6 (i) (b) of Mines and Minerals (Regulation & Development) Act, 1957 is not possible which is likely to negate any decision that may be arrived by the Hon'ble Supreme Court of India in the SLP filed by lessee wherein ad interim order, passed on 2-3-98 and

ii) that the proposal to reduce the period to two years from the date of the modification order is not possible as provided under Section 16 (1A) of Mines and Minerals (Regulation & Development) Act, 1957. The **period** of the lease has already stand reduced to the extent of six months from the date of assent i.e. 23-5-87 under Section 5 of Goa, Daman & Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987.

The advocate of the lessee has also submitted vide his letter dated 16.9.99 a written gist of oral plea reiterating the same objections as made by him during the hearing at Goa on 25-8-99.

5. I have given my careful consideration to the above objections/plea advanced by the lessee and his advocate and, in my view, they have got no force on the basis of my finding given hereunder.

i) that the contention of the lessee(s) is not maintainable as that the modification of area is likely to negate the decision that may be arrived by the Hon'ble Supreme Court of India in the SLP wherein Ad interim order was passed on 2-3-98. The Hon'ble Supreme Court of India in ad interim order dated 2-3-98 has permitted the appellants to carry on mining operations and mining business in the mining area for which renewal applications have been made on the condition that the appellants shall pay to the respondents from the date of commencement of the impugned Act all the amount of dead rent, royalty as now stipulated by the respondents under the impugned Act without prejudice and under protest. The appellants will also comply with all other conditions. As regards the period from 1961 till the coming into force of the impugned Act, it will be opened to the respondents to take proceedings from assessment of the amount payable by the appellants but no recovery shall be made without further orders from the court. Thus, there is no restraint put by the order of the Hon'ble Supreme Court of India for control of modification of terms of the existing mining lease(s) to bring in conformity with the terms of the MM(R&D) Act, 1957 and the rules made thereunder. Accordingly, the area may be modified without affecting the area under active mining operations.

ii) that the contention of the party is not maintainable as the Section 16 (1A) of MM(R&D)

Act, 1957 is not applicable to the mining lease(s) of Goa. In fact, powers are vested under the said act to modify the mining lease(s) granted on or after 25th day of October, 1949 and the period of such lease shall continue to operate for a period of two years from the date of bringing such lease(s) into conformity with the provisions of this act. The submission of the lessee that the period of lease(s) in Goa has already stand reduced to six months upto 22-11-87 from the date of assent on 23-5-87 to the Goa, Daman and Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987. However, the said period was extended by the Govt. upto 22-5-88 vide notification No. 5/51/87-ILD-DF dated 19-11-87 and subsequently, upto 22-11-88 vide notification No. 5/57/87-ILD-PF dated 20-5-88. Thus, the period of lease was extended by 18 months upto 22-11-88 from the date of assent. Accordingly, to maintain the consistency amongst the Act, 1957, Act, 1987 and the rules made thereunder, the period of lease may be reduced to the extent of 18 months upto 22-11-88.

6. In the end, it is stated that the Mines & Minerals (Regulation & Development) Act, 1957 has been extended to the State of Goa vide notifications dated 30-9-1963 and 4-1-1966 issued by the Government of Goa, Daman and Diu and Section 16 of the said Act confers the power for modification of mining lease(s) of the Goa State. Keeping in view of the provisions of the Mines and Minerals (Regulation & Development) Act, 1957, Goa, Daman and Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987 and the rules, made thereunder, modification of lease(s) is made.

Order Passed Accordingly.

C. P. Ambesh, Controller of Mining Leases for India.

Order

No. CML/Z-66

Dated: 23-9-99

[Under Rule 6 of the Mining Leases (Modification of Terms) Rules, 1956]

Whereas a case was registered for the modification of terms of a *mineral mining lease dated 5-6-1950 for* Iron and Manganese held by M/s Sociedade Sri Mahalaximi Companhia Mineira Ltda for perpetual period area 72.72 hectares in village Netorlim, Taluka Sanguem of Goa State.

And whereas an enquiry has been made, as laid down in the Mining Leases (Modification of Terms) Rules, 1956.

2. It is hereby ordered under rule 6 of the aforesaid Rules that terms and conditions of the above lease shall stand modified as follows:-

(i) Area :

The area of the lease is limited to 72.72 Hectares.

(ii) Period :

The period of the lease is reduced to Eighteen months from 23rd May, 87.

- (iii) The following clause shall be deemed to be inserted in the lease deed and shall form part thereof:-

"Except for the modifications made by this order, the lease shall be subject to the rules made or deemed to have been made under sections 13 and 18 of the Mines & Minerals (Regulation & Development) Act, 1957 (No. 67 of 1957)."

3. It is clarified that royalty and dead rent shall be payable in accordance with Section 9 and 9A of the Mines & Minerals (Regulation & Development) Act, 1957 respectively instead of according to the stipulations in the lease deed.

4. It is further clarified that the lessee shall also pay, for the surface area used by him for the purposes of mining operations, surface rent at such rate, as may be specified by the State Government under the Mineral Concession Rules, 1960.

5. This order shall take effect from the date of this order.

6. It is ordered that this order be published in the Official Gazette of Goa State and copies thereof be sent to the lessee and the State Government.

Sd/-

Nagpur:
Dated the 23-9-99.

(C. P. Ambesh)
Controller of Mining
Leases for India.

**NOTE EMBODYING THE FACTS OF CASE, PLEAS
OF THE PARTIES & REASONS FOR THE ORDER**

Case No. Z-66

Order dated 23-9-99

Name of the lessee : M/s Sociedade
Shri Mahalaximi Companhia
Mineira Ltd.,
C/o. Velingkar's House, post
Mardol, Velinga Goa 403 404

Date of the lease : 5-6-1950

Minerals (s) : Iron & Manganese
Area and Location : 72-72 Hects. Village-Netorlim,
Taluka-Sanguem.
Period : Unlimited

Apart from the insertion of the general clause, the following was the proposal contained in the show cause notice (s) issued to the lessee for modification of the mining lease (s) referred to above:

- i) **Area:** To be reduced to ten square kilometres as required under Section 6 of Mines and Minerals (Regulation & Development) Act, 1957.
- ii) **Period:** To be reduced to two years counting from the date of the modification order, passed under Rule 6 of Mining Leases (Modification of Terms) Rules, 1956.

2. In pursuance of rule 6 of the Mining Leases (Modification of Terms) Rules, 1956, the show cause notice containing the proposals for modification of the above mentioned mining lease was sent to the lessee and the lessor-the Government of Goa, calling upon them to show cause why such modifications/alterations should not be made in the mining lease deed dated held by the lessee.

3. The case was also taken up for hearing on 25-8-99 at Goa for enabling both the parties to put forward their case.

4. At the time of hearing on 25-8-99 at Goa, the lessee was represented by his Advocate who stated that there is no need of modification of existing mining leases of Goa. He reiterated the same objections as has been submitted by the lessee vide his objection letter dated 20-8-99. Further, Lessee's Advocate stated during the hearing.

- i) that the proposal to reduce the **area** of lease under Section 6 (i) (b) of Mines and Minerals (Regulation & Development) Act, 1957 is not possible which is likely to negate any decision that may be arrived by the Hon'ble Supreme Court of India in the SLP filed by lessee wherein ad interim order, passed on 2-3-98 and
- ii) that the proposal to reduce the period to two years from the date of the modification order is **not** possible as provided under Section 16 (1A) of Mines and Minerals (Regulation & Development) Act, 1957. The **period** of the lease has already stand reduced to the extent of six months from the date of assent i.e. 23-5-87 under Section 5 of Goa, Daman & Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987.

The advocate of the lessee has also submitted vide his letter dated 16.9.99 a written gist of oral plea reiterating the same objections as made by him during the hearing at Goa on 25-8-99.

5. I have given my careful consideration to the objections/plea advanced by the lessee and his advocate and, in my view, they have got no force on the basis of my finding given hereunder.

- i) that the contention of the lessee(s) is not maintainable as that the modification of area is likely to negate the decision that may be arrived by the Hon'ble Supreme Court of India in the SLP wherein Ad interim order was passed on 2-3-98. The Hon'ble Supreme Court of India in ad interim order dated 2-3-98 has permitted the appellants to carry on mining operations and mining business in the mining area for which renewal applications have been made on the condition that the appellants shall pay to the respondents from the date of commencement of the impugned Act all the amount of dead rent, royalty as now stipulated by the respondents under the impugned Act without prejudice and under protest. The appellants will also comply with all other conditions. As regards the period from 1961 till the coming into force of the impugned Act, it will be opened to the respondents to take proceedings from assessment of the amount payable by the appellants but no recovery shall be made without further orders from the court. Thus, there is no restraint put by the order of the Hon'ble Supreme Court of India for control of modification of terms of the existing mining lease (s) to bring in conformity with the terms of the MM(R&D) Act, 1957 and the rules made thereunder. Accordingly, the area may be modified without affecting the area under active mining operations.

- ii) that the contention of the party is not maintainable as the Section 16 (1A) of MM(R&D) Act, 1957 is not applicable to the mining lease(s) of Goa. In fact, powers are vested under the said act to modify the mining lease(s) granted on or after 25th day of October, 1949 and period of such lease shall continue to operate for a period of two years from the date of bringing such lease(s) into conformity with the provisions of this act. The submission of the lessee that the period of lease(s) in Goa has already stand reduced to six months upto 22-11-87 from the date of assent on 23-5-87, to the Goa, Daman and Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987. However, the said period was extended by the Govt. upto 22-5-88 vide notification No. 5/51/87-ILD-DF dated 19-11-87 and

subsequently, upto 22-11-88 vide notification No. 5/57/87-ILD-PF dated 20-5-88. Thus, the period of lease was extended by 18 months upto 22-11-88 from the date of assent. Accordingly, to maintain the consistency amongst the Act, 1957, Act, 1987 and the rules made thereunder, the period of lease may be reduced to the extent of 18 months upto 22-11-88.

6. In the end, it is stated that the Mines & Minerals (Regulation & Development) Act, 1957 has been extended to the State of Goa vide notifications dated 30-9-1963 and 4-1-1966 issued by the Government of Goa, Daman and Diu and Section 16 of the said Act confers the power for modification of mining lease(s) of the Goa State. Keeping in view of the provisions of the Mines and Minerals (Regulation & Development) Act, 1957, Goa, Daman and Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987 and the rules, made thereunder, modification of lease(s) is made.

Order Passed Accordingly.

C. P. AMBESH,
Controller of Mining Leases for India.

Order

No. CML/Z-66/99

Dated : 20-12-99

[Under Rule 6 of the Mining Leases (Modification of Terms) Rules, 1956]

(In supersession of earlier order dated 23-9-99).

Whereas a case was registered for the modification of terms of a *Mineral mining lease dated 5-6-1950 for* Iron & Manganese held by Sociedade Sri Mahalaxmi Companhia Mineira Ltda., Margao, Goa for perpetual period area 72.72 Hectares in Village Netorlim, Taluka: Sanguem of Goa State.

AND WHEREAS an enquiry has been made, as laid down in the Mining Leases (Modification of Terms) Rules, 1956.

2. It is hereby, ordered under rule 6 of the aforesaid Rules that terms and conditions of the above lease shall stand modified as follows:-

- (i) Area: The area of the lease is limited to 72.72 Hects.
- (ii) Period: No change is made as the period of the lease(s) is already modified as per provisions of the Goa, Daman and Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987.
- (iii) The following clause shall be deemed to be inserted in the lease deed and shall form part thereof:-

"Except for the modifications made by this order, the lease shall be subject to the rules made or deemed to have been made under Sections 13 and 18 of the Mines & Minerals (Regulation & Development) Act, 1957 (No. 67 of 1957)."

3. It is clarified that royalty and dead rent shall be payable in accordance with Section 9 and 9A of the Mines & Minerals (Regulation & Development) Act, 1957 respectively instead of according to the stipulations in the lease deed.

4. It is further clarified that the lessee shall also pay, for the surface area used by him for the purposes of mining operations, surface rent at such rate, as may be specified by the State Government under the Mineral Concession Rules, 1960.

5. This order shall take effect from the date of this order.

6. It is ordered that this order be published in the Official Gazette of Goa State and copies thereof be sent to the lessee and the State Government.

Nagpur:

Dated the 20/12/99.

Sd/-
(C. P. Ambesh)
Controller of Mining
Leases for India

NOTE EMBODYING THE FACTS OF CASE, PLEAS OF THE PARTIES & REASONS FOR THE ORDER

Case No. CML/Z - 66/99 Order dated 20/12/99

Name of the lessee: Sociedade Sri Mahalaxmi Companhia Ltda., P. O. Box 297, Opp. Junta Quarters, Pajifond, Margao, Goa.

Date of the lease: 5-6-1950

Mineral(s): Iron & Manganese

Area and Location: 72.72 Hects.
Village: Netorlim
Taluka: Sanguem
South Goa, Goa.

Period: Unlimited

Apart from the insertion of the general clause, the following was the proposal contained in the show cause notice(s) issued to the lessee for modification of the mining lease(s) referred to above:

- i) **Area:** To be reduced to ten square kilometres as required under Section 6 of Mines and Minerals (Regulation & Development) Act, 1957.
- ii) **Period:** To be reduced to two years counting from the date of the modification order, passed under Rule 6 of Mining Leases (Modification of Terms) Rules, 1956.

2. In pursuance of rule 6 of the Mining Leases (Modification of Terms) Rules, 1956, the show cause notice containing the proposals for modification of the above mentioned mining lease was sent to the lessee - Sociedade Sri Mahalaximi Companhia and the lessor - the Government of Goa, calling upon them to show cause why such modifications/alterations should not be made in the mining lease deed dated..... held by the lessee.

3. The case was also taken up for hearing on 25-8-99 at Goa for enabling both the parties to put forward their case.

4. At the time of hearing on 25-8-99 at Goa, the lessee was represented by his Advocate who stated that there is no need of modification of existing mining leases of Goa. He reiterated the same objections as has been submitted by the lessee vide his objection letter dated 20-8-99. Further, lessee(s) and his Advocate stated during the hearing.

- i) that the proposal to reduce the **area** of lease under Section 6 (i) (b) of Mines and Minerals (Regulation & Development) Act, 1957 is not possible which is likely to negate any decision that may be arrived by the Hon'ble Supreme Court of India in the SLP filed by lessee wherein Ad interim order, passed on 2-3-98.
- ii) that the proposal to reduce the **period** to two years from the date of the modification order is not possible as provided under Section 16(1A) of Mines and Minerals (Regulation & Development) Act, 1957. The **period** of the lease has already stand reduced to the extent of six months from the date of assent i. e. 23-5-87 under Section 5 of Goa, Daman & Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987. The advocate of the lessee has also submitted vide his letter dated a written gist of oral plea reiterating the same objections as made by him during the hearing.
- iii) that the lessee has submitted an application on 8-12-99 with the request to revise earlier modification order dated 23-9-99 on the pleas advanced by him above vide para 4 (ii) and also submitted an affidavit dated 6-12-99 to abide by the provisions of MM (R&D) Act, 1957, MCR, 1960, MCDR, 1988 and ML(MT) Rules, 1956 and other provisions applicable and as amended from time to time by the Central Government in respect of his aforesaid lessee(s).

5. I have given my careful consideration to the above objections/pleas advanced by the lessee and his advocate and, in my view, they have got no force on the basis of my finding give hereunder:

- i) that the contention of the lease(s) is not maintainable as that the modification of area is likely to negate the decision that may be arrived by the Hon'ble Supreme Court of India

in the SLP wherein Ad interim order was passed on 2-3-98. The Hon'ble Supreme Court of India in interim order dated 2-3-98 has permitted the appellants to carry on mining operations and mining business in the mining area for which renewal applications have been made on the condition that the appellants shall pay to the respondents from the date of commencement of the impugned Act all the amount of dead rent, royalty as now stipulated by the respondents under the impugned Act without prejudice and under protest. The appellants will also comply with all other conditions. As regards the period from 1961 till the coming into force of the impugned Act, it will be opened to the respondents to take proceedings from assessment of the amount payable by the appellants but no recovery shall be made without further orders from the court. Thus, there is no restraint put by the order of the Hon'ble Supreme Court of India for control of modification of terms of the existing mining lease(s) to bring in conformity with the terms of the MM(R&D) Act, 1957 and the rules made thereunder. Accordingly, the area may be modified without affecting the area under active mining operations.

- ii) that the contention of the lessee(s) that the provisions of Section 16 of Mines and Minerals (Regulation & Development) Act, 1957 are inconsistent with the provisions of Section 5 of Goa, Daman and Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987, therefore, provisions of Section 16 of Mines and Minerals (Regulation & Development) Act, 1957 do not apply to the deemed lease(s) of Goa and submitted an application on 8-12-99 with the request to revise earlier modification order dated 23-9-99. Further, the lessee(s) has also submitted an affidavit dated... to abide by provisions of Mines and Minerals (Regulation & Development) Act, 1957, Mineral Concession Rules, 1960, Mineral Conservation and Development Rules, 1988 and Mining Leases (Modification of Terms) Rules, 1956 and other provisions applicable and as amended from time to time by the Central Government in respect of his lease(s). The request of the lessee(s) was duly considered at this end. Accordingly, to maintain consistency amongst the Act, 1957, Act, 1987 and the rules made thereunder, the period of the lease(s) is not changed as the same is already modified as per provisions of Goa, Daman and Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987.

6. In the end, it is stated that the Mines & Minerals (Regulation & Development) Act, 1957 has been extended to the State of Goa vide notifications dated

30-9-1963 and 4-1-1966 issued by the Government of Goa, Daman and Diu and Section 16 of the said Act confers the powers for modification of mining lease(s) of the Goa State. Keeping in view of the provisions of Mines and Minerals (Regulation & Development) Act, 1957, Goa, Daman and Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987 and the rules made thereunder, revised modification order is made.

Order Passed Accordingly.

C. P. Ambesh, Controller of Mining Leases for India.

Order

No. CML/Z-143/99

[Under Rule 6 of the Mining Leases (Modification of Terms) Rules, 1956]

(In supersession of earlier order dated 23-9-99)

Whereas a case was registered for the modification of terms of a *Mineral mining lease dated 19-10-1951 for* Iron & Manganese held by Chandrakant Fondu Naik, B-1 Felecinta Complex, Post Box No. 785, Gogol Margao, Goa-403 601 for perpetual period, area 69.4745 Hectares in Village Curpem, Taluka: Sanguem District South Goa of Goa State.

AND WHEREAS an enquiry has been made, as laid down in the Mining Leases (Modification of Terms) Rules, 1956.

2. It is hereby, ordered under rule 6 of the aforesaid Rules that terms and conditions of the above lease shall stand modified as follows:-

- (i) Area: The area of the lease is limited to 69.4745 Hects.
- (ii) Period: No change is made as the period of the lease(s) is already modified as per provisions of the Goa, Daman And Diu Mining Concession (Abolition and Declaration as Mining Leases) Act, 1987.
- (iii) The following clause shall be deemed to be inserted in the lease deed and shall form part thereof:-

"Except for the modifications made by this order, the lease shall be subject to the rules made or deemed to have been made under Sections 13 and 18 of the Mines & Minerals (Regulation & Development) Act, 1957 (No. 67 of 1957)."

3. It is clarified that royalty and dead rent shall be payable in accordance with Section 9 and 9A of the Mines & Minerals (Regulation & Development) Act, 1957 respectively instead of according to the stipulations in the lease deed.

4. It is further clarified that the lessee shall also pay, for the surface area used by him for the purposes of mining operations, surface rent at such rate, as may be specified by the State Government under the Mineral Concession Rules, 1960.

5. This order shall take effect from the date of this order.

6. It is ordered that this order be published in the Official Gazette of Goa State and copies thereof be sent to the lessee and the State Government.

Nagpur:

Dated the 20/12/99.

Sd/-

(C. P. Ambesh)
Controller of Mining
Leases for India

NOTE EMBODYING THE FACTS OF CASE, PLEAS OF THE PARTIES & REASONS FOR THE ORDER

Case No. Z-143

Order dated 20-12-99

Name of the lessee: Shri Chandrakant Fondu Naique B-1/B-2, Felecinta Complex, Post Box. No. 785, Gogol, Margao, Goa. 403601

Date of the lease: 19-10-1951

Mineral(s): Iron & Manganese

Area and Location: Village: Curpem,
Taluka: Sanguem
South Goa District, Goa.

Period: Unlimited

Apart from the insertion of the general clause, the following was the proposal contained in the show cause notice(s) issued to the lessee for modification of the mining lease(s) referred to above:

- i) **Area:** To be reduced to ten square kilometres as required under Section 6 of Mines and Minerals (Regulation & Development) Act, 1957.
- ii) **Period:** To be reduced to two years counting from the date of the modification order, passed under Rule 6 of Mining Leases (Modification of Terms) Rules, 1956.

2. In pursuance of rule 6 of the Mining Leases (Modification of Terms) Rules, 1956, the show cause notice containing the proposals for modification of the above mentioned mining lease was sent to the lessee - Shri Chandrakant Fondu Naik and the lessor - the Government of Goa, calling upon them to show cause why such modifications/alterations should not be made in the mining lease deed dated 19-10-1951 held by the lessee.

3. The case was also taken up for hearing on 25-8-99 at Goa for enabling both the parties to put forward their case.

4. At the time of hearing on 25-8-99 at Goa, the lessee was represented by his Advocate who stated that there is no need of modification of existing mining leases of Goa. He reiterated the same objections as has been submitted by the lessee vide his objection letter dated 4-8-99. Further, lessee(s) and his Advocate stated during the hearing.

i) that the proposal to reduce the **area** of lease under Section 6 (i) (b) of Mines and Minerals (Regulation & Development) Act, 1957 is not possible which is likely to negate any decision that may be arrived by the Hon'ble Supreme Court of India in the SLP filed by lessee wherein Ad interim order, passed on 2-3-98.

ii) that the proposal to reduce the period to two years from the date of the modification order is not possible as provided under Section 16(1A) of Mines and Minerals (Regulation & Development) Act, 1957. The **period** of the lease has already stand reduced to the extent of six months from the date of assent i. e. 23-5-87 under Section 5 of Goa, Daman & Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987. The advocate of the lessee has also submitted vide his letter dated a written gist of oral plea reiterating the same objections as made by him during the hearing.

iii) that the lessee has submitted an application on 8-12-99 with the request to revise earlier modification order dated 23-9-99 on the pleas advanced by him vide para 4 (ii) and also submitted an affidavit dated 9-12-99 to abide by the provisions of MM (R&D) Act, 1957, MCR, 1960, MCDR, 1988 and ML(MT) Rules, 1956 and other provisions applicable and as amended from time to time by the Central Government in respect of his aforesaid lease(s).

5. I have given my careful consideration to the above objections/pleas advanced by the lessee and his advocate and, in my view, they have got no force on the basis of my finding given hereunder:

i) that the contention of the lessee(s) is not maintainable as that the modification of area is likely to negate the decision that may be arrived by the Hon'ble Supreme Court of India in the SLP wherein Ad interim order was passed on 2-3-98. The Hon'ble Supreme Court of India Ad interim order dated 2-3-98 has permitted the appellants to carry on mining operations and mining business in the mining area for which renewal applications have been made on the condition that the appellants shall pay

to the respondents from the date of commencement of the impugned Act all the amount of dead rent, royalty as now stipulated by the respondents under the impugned Act without prejudice and under protest. The appellants will also comply with all other conditions. As regards the period from 1961 till the coming into force of the impugned Act, it will be opened to the respondents to take proceedings from assessment of the amount payable by the appellants but no recovery shall made without further orders from the court. Thus, there is no restraint put by the order of the Hon'ble Supreme Court of India for control of modification of terms of the existing mining lease(s) to bring in conformity with the terms of the MM(R&D) Act, 1957 and the rules made thereunder. Accordingly, the area may be modified without affecting the area under active mining operations.

ii) that the contention of the lessee(s) that the provisions of Section 16 of Mines and Minerals (Regulation & Development) Act, 1957 are inconsistent with the provisions of Section 5 of Goa, Daman and Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987, therefore, provisions of Section 16 of Mines and Minerals (Regulation & Development) Act, 1957 do not apply to the deemed lease(s) of Goa and submitted an application on 8-12-99 with the request to revise earlier modification order dated 23-9-99. Further, the lessee(s) has also submitted an affidavit dated 9-12-99 to abide by the provisions of Mines and Minerals (Regulation & Development) Act, 1957, Minerals Concession Rules, 1960, Mineral Conservation and Development Rules, 1988 & Mining Leases (Modification of Terms) Rules, 1956 and other provisions applicable and as amended from time to time by the Central Government in respect of his lease(s). The request of the lease(s) was duly considered at this end. Accordingly, to maintain consistency amongst the Act, 1957, Act, 1987 and the rules made thereunder, the period or the lease(s) is not changed as the same is already modified as per provisions of Goa, Daman and Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987.

6. In the end, it is stated that the Mines & Minerals (Regulation & Development) Act, 1957 has been extended to the State of Goa vide notifications dated 30-9-1963 and 4-1-1966 issued by the Government of Goa, Daman and Diu and Section 16 of the said Act confers the powers for modification of mining lease(s) of the Goa State. Keeping in view of the provisions of the Minerals (Regulation & Development) Act, 1957, Goa, Daman and Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987 and the

rules made thereunder, revised modification order is made.

Order Passed Accordingly.

C. P. Ambesh, Controller of Mining Leases for India.

Order

No. CML/Z-135/99

[Under Rule 6 of the Mining Leases (Modification of Terms) Rules, 1956]

(In supersession of earlier order dated 23-9-99.)

Whereas a case was registered for modification of terms of a *Mineral mining lease dated 24-8-1951 for* Iron & Manganese ore held by Geetabala Manohar Hiru Naik Parulekar, Satari, Goa for perpetual period, area 87.550 Hectares in Village Pissurlem Taluka: Satari District South Goa of Goa State.

AND WHEREAS an enquiry has been made, as laid down in the Mining Leases (Modification of Terms) Rules, 1956.

2. It is hereby, ordered under rule 6 of the aforesaid Rules that terms and conditions of the above lease shall stand modified as follows:-

- (i) **Area:** The area of the lease is limited to 87.550 Hects.
- (ii) **Period:** No change is made as the period of the lease(s) is already modified as per provisions of the Goa, Daman And Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987.
- (iii) The following clause shall be deemed to be inserted in the lease deed and shall form part thereof:-

"Except for the modifications made by this order, the lease shall be subject to the rules made or deemed to have been made under Sections 13 and 18 of the Mines & Minerals (Regulation & Development) Act, 1957 (No. 67 of 1957)."

3. It is clarified that royalty and dead rent shall be payable in accordance with Section 9 and 9A of the Mines & Minerals (Regulation & Development) Act, 1957 respectively instead of according to the stipulations in the lease deed.

4. It is further clarified that the lessee shall also pay, for the surface area used by him for the purposes of mining operations, surface rent at such rate, as may be specified by the State Government under the Mineral Concession Rules, 1960.

5. This order shall take effect from the date of this order.

6. It is ordered that this order be published in the Official Gazette of Goa State and copies thereof be sent to the lessee and the State Government.

Nagpur:

Dated the 20/12/99.

Sd/-
(C. P. Ambesh)
Controller of Mining
Leases for India

NOTE EMBODYING THE FACTS OF CASE, PLEAS OF THE PARTIES & REASONS FOR THE ORDER

Case No. CML/Z - 135/99 Order dated 20/12/99

Name of the lessee: Smt. Geetabala Manohar Naik, Parulekar, Pissurlem, Guelliem Gaval Mine Owner, Altinho, Mapusa, Bardez, Goa.

Date of the lease: 24-8-1951

Mineral(s): Iron & Manganese Ore.

Area and Location: 87.550 Hects.
Village: Pissurlem
Taluka: Satari.

Period: Unlimited

Apart from the insertion of the general clause, the following was the proposal contained in the show cause notice(s) issued to the lessee for modification of the mining lease(s) referred to above:

- i) **Area:** To be reduced to ten square kilometres as required under Section 6 of Mines and Minerals (Regulation & Development) Act, 1957.
- ii) **Period:** To be reduced to two years counting from the date of the modification order, passed under Rule 6 of Mining Leases (Modification of Terms) Rules, 1956.

2. In pursuance of rule 6 of the Mining Lease (Modification of Terms) Rules, 1956, the show cause notice containing the proposals for modification of the above mentioned mining lease was sent to the lessee and the lessor the Government of Goa, calling upon them to show cause why such modifications/alterations should not be made in the mining lease deed dated held by the lessee.

3. The case was also taken up for hearing on 25-8-99 at Goa for enabling both the parties to put forward their case.

4. At the time of hearing on 25-8-99 at Goa, the lessee was represented by his Advocate who stated that there is no need of modification of existing mining leases of Goa. He reiterated the same objections as has been submitted by the lessee vide his objection letter dated 7-8-99. Further, lessee(s) and his Advocate stated during the hearing.

i) that the proposal to reduce the **area** of lease under Section 6 (i) (b) of Mines and Minerals (Regulation & Development) Act, 1957 is not possible which is likely to negate any decision that may be arrived by the Hon'ble Supreme Court of India in the SLP filed by lessee wherein Ad interim order, passed on 2-3-98.

ii) that the proposal to reduce the period to two years from the date of the modification order is not possible as provided under Section 16(1A) of Mines and Minerals (Regulation & Development) Act, 1957. The **period** of the lease has already stand reduced to the extent of six months from the date of assent i. e. 23-5-87 under Section 5 of Goa, Daman & Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987. The advocate of the lessee has also submitted vide his letter dated a written gist of oral plea reiterating the same objections as made by him during the hearing.

iii) that the lessee has submitted an application on 8-12-99 with the request to revise earlier modification order dated 23-9-99 on the pleas advanced by him vide para 4 (ii) and also submitted an affidavit dated 10-12-99 to abide by the provisions of MM (R&D) Act, 1957, MCR, 1960, MCDR, 1988 and ML(MT) Rules, 1956 and other provisions applicable and as amended from time to time by the Central Government in respect of his aforesaid lease(s).

5. I have given my careful consideration to the above objections/pleas advanced by the lessee and his advocate and, in my view, they have got no force on the basis of my finding given hereunder:

i) that the contention of the lessee(s) is not maintainable as that the modification of area is likely to negate the decision that may be arrived by the Hon'ble Supreme Court of India in the SLP wherein Ad interim order was passed on 2-3-98. The Hon'ble Supreme Court of India in Ad interim order dated 2-3-98 has permitted the appellants to carry on mining operations and mining business in the mining area for which renewal applications have been made on the condition that the appellants shall pay to the respondents from the date of commencement of the impugned Act all the amount of dead rent, royalty as now stipulated by the respondents under the impugned Act without prejudice and under protest. The appellants will also comply with all other

conditions. As regards the period from 1961 till the coming into force of the impugned Act, it will be opened to the respondents to take proceedings from assessment of the amount payable by the appellants but no recovery shall made without further orders from the court. Thus, there is no restraint put by the order of the Hon'ble Supreme Court of India for control of modification of terms of the existing mining lease(s) to bring in conformity with the terms of the MM(R&D) Act, 1957 and the rules made thereunder. Accordingly, the area may be modified without affecting the area under active mining operations.

ii) that the contention the lessee(s) that the provisions of Section 16 of Mines and Minerals (Regulation & Development) Act, 1957 are inconsistent with the provisions of Section 5 of Goa, Daman and Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987, therefore, provisions of Section 16 of Mines and Minerals (Regulation & Development) Act, 1957 do not apply to the deemed lease(s) of Goa and submitted an application on 8-12-99 with the request to revise earlier modification order dated 23-9-99. Further, the lessee(s) has also submitted an affidavit dated... to abide by provisions of Mines and Minerals (Regulation & Development) Act, 1957, Minerals Concession Rules, 1960, Mineral Conservation and Development Rules, 1988 Mining Leases (Modification of Terms) Rules, 1956 and other provisions applicable and as amended from time to time by the Central Government in respect of his lease(s). The request of the lease(s) was duly considered at this end. Accordingly, to maintain consistency amongst the Act, 1957, Act, 1987 and the rules made thereunder, the period or the lease(s) is not changed as the same is already modified as per provisions of Goa, Daman and Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987.

6. In the end, it is stated that the Mines & Minerals (Regulation & Development) Act, 1957 has been extended to the State of Goa vide notifications dated 30-9-1963 and 4-1-1966 issued by the Government of Goa, Daman and Diu and Section 16 of the said Act confers the powers for modification of mining lease(s) of the Goa State. Keeping in view of the provisions of the Mines and Minerals (Regulation & Development) Act, 1957, Goa, Daman and Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987 and the rules made thereunder, revise modification order is made.

Order Passed Accordingly.

C. P. Ambesh, Controller of Mining Leases for India.

Order

No. CML/Z-121, 132/99.

[Under Rule 6 of the Mining Leases (Modification of Terms) Rules, 1956]

(In supersession of earlier order dated 23-9-99.)

Whereas a case was registered for modification of terms of a *mineral mining lease dated mentioned below for following Iron and Manganese held by Shri Raghuvir Rajaram Poinguinkar, Aquem, Margao (Goa) for permanent period without renewal clause, area 166.16 Hectares in Village(s) Cudnem, Taluka: Bicholim & Darbandora, Sanguem District North Goa & South Goa of Goa State.

AND WHEREAS an enquiry has been made, as laid down in the Mining Leases (Modification of Terms) Rules, 1956.

2. It is hereby, ordered under rule 6 of the aforesaid Rules that terms and conditions of the above lease shall stand modified as follows:-

(i) **Area:** The area of the following two leases is limited to 166.16 Hects. as shown against each.

Sl. No.	Case No.	Location of the area (Vill. Dist.)	Mineral for which the lease	Area for which the lease	Date of grant of lease
1.	Z-121	Cudnem Bicholim, N. Goa	FE & MN	66.5632 Hect.	11-5-1951
2.	Z-132	Darbandora, Sanguem, South Goa.	FE & MN	99.6000 Hect.	23-7-1951

(ii) **Period:** No change is made as the period of the lease(s) is already modified as per provisions of the Goa, Daman and Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987.

(iii) The following clause shall be deemed to be inserted in the lease deed and shall form part thereof:-

"Except for the modifications made by this order, the lease shall be subject to the rules made or deemed to have been made under Sections 13 and 18 of the Mines & Minerals (Regulation & Development) Act, 1957 (No. 67 of 1957)."

3. It is clarified that royalty and dead rent shall be payable in accordance with Section 9 and 9A of the Mines & minerals (Regulation & Development), Act,

1957 respectively instead of according to the stipulations in the lease deed.

4. It is further clarified that the lessee shall also pay, for the surface area used by him for the purposes of mining operations, surface rent at such rate, as may be specified by the State Government under the Mineral Concession Rules, 1960.

5. This order shall take effect from the date of this order.

6. It is ordered that this order be published in the Official Gazette of Goa State and copies thereof be sent to the lessee and the State Government.

Nagpur:

Sd/-

(C. P. Ambesh)

Dated 21/12/99.

Controller of Mining
Leases for India

NOTE EMBODYING THE FACTS OF CASE, PLEAS OF THE PARTIES & REASONS FOR THE ORDER

Case No. Z-121 & Z-132 (two)

Order dated: 22/12/99

Name of the lessee: Shri Raghuvir Rajaram Poinguinkar, Aquem, Margao, Goa.

Date of the lease: Z-121 11-5-1951 Z-132 23-7-1951

Mineral(s): Iron & Manganese Iron & Manganese

Area and Location: 66.5632 Hects. 99.6000 Hects.

Period : Unlimited

Apart from the insertion of the general clause, the following was the proposal contained in the show cause notice(s) issued to the lessee for modification of the mining lease(s) referred to above:

i) **Area:** To be reduced to ten square kilometres as required under Section 6 of Mines and Minerals (Regulation & Development) Act, 1957.

ii) **Period:** To be reduced to two years counting from the date of the modification order, passed under Rule 6 of Mining Leases (Modification of Terms) Rules, 1956.

2. In pursuance of rule 6 of the Mining Lease (Modification of Terms) Rules, 1956. The show cause

notice containing the proposals for modification of the above mentioned mining lease was sent to the lessee - Raghuvir Rajaram Poinguinkar and the lessor the Government of Goa, calling upon them to show cause why such modifications/alterations should not be made in the mining lease deed dated 11-5-1951 & 23-7-1951 held by the lessee.

3. The case was also taken up for hearing on 25-8-99 at Goa for enabling both the parties to put forward their case.

4. At the time of hearing on 25-8-99 at Goa, the lessee was represented by his Advocate who stated that there is no need of modification of existing mining leases of Goa. He reiterated the same objections as has been submitted by the lessee vide his objection letter dated 9-8-99. Further, lessee(s) and his Advocate stated during the hearing.

i) that the proposal to reduce the **area** of lease under Section 6 (i) (b) of Mines and Minerals (Regulation & Development) Act, 1957 is not possible which is likely to negate any decision that may be arrived by the Hon'ble Supreme Court of India in the SLP filed by lessee wherein Ad interim order, passed on 2-3-98.

ii) that the proposal to reduce the period to two years from the date of the modification order is not possible as provided under Section 16(1A) of Mines and Minerals (Regulation & Development) Act, 1957. The **period** of the lease has already stand reduced to the extent of six months from the date of assent i.e. 23-5-87 under Section 5 of Goa, Daman & Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987. The advocate of the lessee has also submitted vide his letter dated 16-9-99 a written gist of oral plea reiterating the same objections as made by him during the hearing.

iii) that the lessee has submitted an application on 8-12-99 with the request to revise earlier modification order dated 23-9-99 on the pleas advanced by him vide para 4 (ii) and also submitted an affidavit dated 10-12-99 to abide by the provisions of MM (R&D) Act, 1957, MCR, 1960, MCDR, 1988 and ML(MT) Rules, 1956 and other provisions applicable and as amended from time to time by the Central Government in respect of his aforesaid lease(s).

5. I have given my careful consideration to the above objections/pleas advanced by the lessee and his advocate and, in my view, they have got no force on the basis of my finding give hereunder:

i) that the contention of the lessee(s) is not maintainable as that the modification of area is

likely to negate the decision that may be arrived by the Hon'ble Supreme Court of India in the SLP wherein Ad interim order was passed on 2-3-98. The Hon'ble Supreme Court of India in Ad interim Order dated 2-3-98 has permitted the appellants to carry on mining operations and mining business in the mining area for which renewal applications have been made on the condition that the appellants shall pay to the respondents from the date of commencement of the impugned Act all the amount of dead rent, royalty as now stipulated by the respondents under the impugned Act without prejudice and under protest. The appellants will also comply with all other conditions. As regards the period from 1961 till the coming into force of the impugned Act, it will be opened to the respondents to take proceedings from assessment of the amount payable by the appellants but no recovery shall be made without further orders from the court. Thus, there is no restraint put by the order of the Hon'ble Supreme Court of the India for control of modification of terms of the existing mining lease(s) to bring in conformity with the terms of the MM(R&D) Act, 1957 and the rules made thereunder. Accordingly, the area may be modified without affecting the area unde active mining operations.

ii) that the contention the lessee(s) that the provisions of Section 16 of Mines and Minerals (Regulation & Development) Act, 1957 are inconsistent with the provisions of Section 5 of Goa, Daman and Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987, therefore, provisions of Section 16 of Mines and Minerals (Regulation & Development) Act, 1957 do not apply to the deemed lease(s) of Goa and submitted an application on 8-12-99 with the request to revise earlier modification order dated 23-9-99. further, the lessee(s) has also submitted an affidavit dated 10-12-99 to abide by provisions of Mines and Minerals (Regulation & Development) Act, 1957, Minerals Concession Rules, 1960, Mineral Conservation and Development Rules, 1988 * Mining Leases (Modification of Terms) Rules, 1956 and other provisions applicable and as amended from time to time by the Central Government in respect of his lease(s). The request of the lease(s) was duly considered at this end. Accordingly, to maintain consistency amongst the Act, 1957, Act, 1987 and the rules made thereunder, the period or the lease(s) is not changed as the same is already modified as per provisions of Goa, Daman and Diu Mining Concessions

(Abolition and Declaration as Mining Leases)
Act, 1987.

6. In the end, it is stated that the Mines & Minerals (Regulation & Development) Act, 1957 has been extended to the State of Goa vide notifications dated 30-9-1963 and 4-1-1966 issued by the Government of Goa, Daman and Diu and Section 16 of the said Act confers the powers for modification of mining lease(s) of the Goa State. Keeping in view of the provisions of the Mines and Minerals (Regulation & Development) Act, 1957, Goa, Daman and Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987 and the rules made thereunder, revise modification order is made.

Order Passed Accordingly.

C. P. Ambesh, Controller of Mining Leases of India.

Order

No. CML/Z-162, 285, 398 & 710/99.

[Under Rule 6 of the Mining Leases (Modification of Terms) Rules, 1956]

(In supersession of earlier order dated 23-9-99.)

Whereas a case was registered for the modification of terms of a *mineral mining lease dated mentioned below for* Iron and Manganese held by Shri N. S. S. Narvekar, Margao, Goa-403 601 for perpetual period area 311.43 Hectares in Village(s) Curdi, Santona, Molcornem & Shiroda of Goa State.

AND WHEREAS an enquiry has been made, as laid down in the Mining Leases (Modification of Terms) Rules, 1956.

2. It is hereby, ordered under rule 6 of the aforesaid Rules that terms and conditions of the above lease shall stand modified as follows:-

(i) Area: The area of the following four leases is limited to 311.43 Hects. as shown against each.

Sl. No.	Case No.	Vill./Tq.	Mineral	Area	Date of grant
1	2	3	4	5	6
1.	Z-162	Santona, Taluka: Sanguem	Iron & Manganese	77.557 Hects.	8-2-1952
2.	Z-285	Curdi, Taluka: Sanguem	— do —	68.0000 —	24-4-1953

1	2	3	4	5	6
3. Z-398	Shiroda, Taluka: Ponda	Goa	—do—	85.3540 Hects.	28-12-1953
4. Z-710	Molcornem, Taluka: Quepem	Goa	—do—	80.5200 Hects.	29-6-1959
Total: 311.4315 Hects.					

(ii) Period: No change is made as the period of the lease(s) is already modified as per provisions of the Goa, Daman and Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987.

(iii) The following clause shall be deemed to be inserted in the lease deed and shall form part thereof:-

"Except for the modifications made by this order, the lease shall be subject to the rules made or deemed to have been made under Sections 13 and 18 of the Mines & Minerals (Regulation & Development) Act, 1957 (No. 67 of 1957)."

3. It is clarified that royalty and dead rent shall be payable in accordance with Section 9 and 9A of the Mines & Minerals (Regulation & Development) Act, 1957 respectively instead of according to the stipulations in the lease deed.

4. It is further clarified that the lessee shall also pay, for the surface area used by him for the purposes of mining operations, surface rent at such rate, as may be specified by the State Government under the Mineral Concession Rules, 1960.

5. This order shall take effect from the date of this order.

6. It is ordered that this order be published in the Official Gazette of Goa State and copies thereof be sent to the lessee and the State Government.

Nagpur:

Dated the 22/12/99.

Sd/-
(C. P. Ambesh)
Controller of Mining
Leases for India

NOTE EMBODYING THE FACTS OF CASE, PLEAS OF THE PARTIES & REASONS FOR THE ORDER

Case No.CML/Z-162, 285, 398 & 710/99 Order dated 22/12/99.

Name of the lessee: Shri N. S. S. Narvekar, Bombi Niwas, Opp. Convent, Margao, Goa-403 601.

Date of the lease:	<u>Z-162</u> 8-2-52	<u>Z-285</u> 24-4-53	<u>Z-398</u> 28-12-53	<u>Z-710</u> 29-6-59
Mineral(s):	FE/MN	FE/MN	FE/MN	FE/MN
Area and Location:	77.5575 Hects Santona, Curdi, Sanguem	65.0000 — do — Sanguem	85.3540 — do — Shiroda Ponda	80.5200 — do — Molcornem, Quepem
Period :	Unlimited			

Apart from the insertion of the general clause, the following was the proposal contained in the show cause notice(s) issued to the lessee for modification of the mining lease(s) referred to above:

- i) **Area:** To be reduced to ten square kilometres as required under Section 6 of Mines and Minerals (Regulation & Development) Act, 1957.
- ii) **Period:** To be reduced to two years counting from the date of the modification order, passed under Rule 6 of Mining Leases (Modification of Terms) Rules, 1956.

2. In pursuance of rule 6 of the Mining Leases (Modification of Terms) Rules, 1956, the show cause notice containing the proposals for modification of the above mentioned mining lease was sent to the lessee — and the Lessor the Government of Goa, calling upon them to show cause why such modifications/alterations should not be made in the mining lease deed dated held by the lessee.

3. The case was also taken up for hearing on 25-8-99 at Goa for enabling both the parties to put forward their case.

4. At the time of hearing on 25-8-99 at Goa, the lessee was represented by his Advocate who stated that there is no need of modification of existing mining leases of Goa. He reiterated the same objections as has been submitted by the lessee vide his objection letter dated 5-8-99. Further, lessee(s) and his Advocate stated during the hearing.

- i) that the proposal to reduce the **area** of lease under Section 6 (i) (b) of Mines and Minerals (Regulation & Development) Act, 1957 is not possible which is likely to negate any decision that may be arrived by the Hon'ble Supreme Court of India in the SLP filed by lessee wherein Ad interim order, passed on 2-3-98.
- ii) that the proposal to reduce the period to two years from the date of the modification order is not possible as provided under Section 16(1A) of Mines and Minerals (Regulation & Development) Act, 1957. The **period** of the lease has already stand reduced to the extent of six months from the date of assent i. e. 23-5-87 under Section 5 of Goa, Daman & Diu Mining

Concessions (Abolition and Declaration as Mining Leases) Act, 1987. The advocate of the lessee has also submitted vide his letter dated a written gist of oral plea reiterating the same objections as made by him during the hearing.

- iii) that the lessee has submitted an application on 16-9-99 with the request to revise earlier modification order dated 23-9-99 on the pleas advanced by him above vide para 4 (ii) and also submitted an affidavit dated 7-12-99 to abide by the provisions of MM (R&D) Act, 1957, MCR, 1960, MCDR, 1988 and ML(MT) Rules, 1956 and other provisions applicable and as amended from time to time by the Central Government in respect of his aforesaid lease(s).

5. I have given my careful consideration to the above objections/pleas advanced by the lessee and his advocate and, in my view, they have got no force on the basis of my finding give hereunder:

- i) that the contention of the lessee(s) is not maintainable as that the modification of area is likely to negate the decision that may be arrived by the Hon'ble Supreme Court of India in the SLP wherein Ad interim order was passed on 2-3-98. The Hon'ble Supreme Court of India in Ad interim Order dated 2-8-95 has permitted the appellants to carry on mining operations and mining business in the mining area for which renewal applications have been made on the condition that the appellants shall pay to the respondents from the date of commencement of the impugned Act all the amount of dead rent, royalty as now stipulated by the respondents under the impugned Act without prejudice and under protest. The appellants will also comply with all other conditions. As regards the period from 1961 till the coming into force of the impugned Act, it will be opened to the respondents to take proceedings from assessment of the amount payable by the appellants but no recovery shall be made without further orders from the court. Thus, there is no restraint put by the order of the Hon'ble Supreme Court of India for control of modification of terms of the existing mining lease(s) to bring in conformity with the terms of the MM(R&D) Act, 1957 and the rules made thereunder. Accordingly, the area may be modified without affecting the area under active mining operations.
- ii) that the contention the lessee(s) that the provisions of Section 16 of Mines and Minerals (Regulation & Development) Act, 1957 are inconsistent with the provisions of Section 5 of Goa, Daman and Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987, therefore, provisions of Section 16 of Mines and Minerals (Regulation & Development) Act, 1957 do not apply to the deemed lease(s) of Goa and submitted an

application on 8-12-99 with the request to revise earlier modification order dated 23-9-99. Further, the lessee(s) has also submitted an affidavit dated 7-12-99 to abide by provisions of Mines and Minerals (Regulation & Development) Act, 1957, Minerals Concession Rules, 1960, Mineral Conservation and Development Rules, 1988 * Mining Leases (Modification of Terms) Rules, 1956 and other provisions applicable and as amended from time to time by the Central Government in respect of his lease (s). The request of the lease(s) was duly considered at this end. Accordingly, to maintain consistency amongst the Act, 1957, Act, 1987 and the rules made thereunder, the period or the lease(s) is not changed as the same is already modified as per provisions of Goa, Daman and Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987.

6. In the end, it is stated that the Mines & Minerals (Regulation & Development) Act, 1957 has been extended to the State of Goa vide notifications dated 30-9-1963 and 4-1-1966 issued by the Government of Goa, Daman and Diu and Section 16 of the said Act confers the powers for modification of mining lease(s) of the Goa State. Keeping in view of the provisions of Mines and Minerals (Regulation & Development) Act, 1957, Goa, Daman and Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987 and the rules made thereunder, revise modification order is made.

Order Passed Accordingly.

C. P. Ambesh, Controller of Mining Leases of India.

Order

No. CML-49/99

[Under Rule 6 of the Mining Leases (Modification of Terms) Rules 1956]

(In supersession of earlier order dt. 23/9/99)

Whereas a case was registered for the modification of terms of a *mineral mining lease dated 24-2-1950 for Iron and Manganese held by Shri Muhamad Usman Muhamad Hashan, Margao Goa for perpetual period. area 62.2523 hectares in Village Curpem of Taluka Sanguem district South Goa of Goa State.

And whereas an enquiry has been made, as laid down in the Mining Leases (Modification of Terms) Rules, 1956.

2. It is hereby ordered under rule 6 of the aforesaid Rules that terms and conditions of the above lease shall stand modified as follows:-

- (i) Area : The area of the lease is limited to 62.2523 Hectares.
- (ii) Period: No change is made as the period of the lease (s) is already modified as per provisions of the Goa, Daman and Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987.
- (iii) The following clause shall be deemed to be inserted in the lease deed and shall form part thereof:-

"Except for the modifications made by this order, the lease shall be subject to the rules made or deemed to have been made under sections 13 and 18 of the Mines & Minerals (Regulation & Development) Act, 1957 (No. 67 of 1957)."

3. It is clarified that royalty and dead rent shall be payable in accordance with Section 9 and 9A of the Mines & Minerals (Regulation & Development) Act, 1957 respectively instead of according to the stipulations in the lease deed.

4. It is further clarified that the lessee shall also pay, for the surface area used by him for the purposes of mining operations, surface rent such rate, as may be specified by the State Government under the Mineral Concession Rules, 1960.

5. This order shall take effect from the date of this order.

6. It is ordered that this order be published in the Official Gazette of Goa State and copies thereof be sent to the lessee and the State Government.

Sd/-

Nagpur:
Dated the 20-12-99.

(C. P. Ambesh)
Controller of Mining
Leases for India.

Note Embodying the facts of case, pleas of the Parties & Reasons for the order

Case No. Z-49.

Order Dated 20-12-99

Name of the lessee : Shri Muhamad Usman
Muhamad Hashan.
Kadar Manzil, P. O. Box
No. 34, Margao, Goa.

Date of the lease : 24-2-1950

Minerals (s) : Iron & manganese

Area and Location : 62.2523 Hects
 Village: Curpem
 Taluka: Sanguem
 South Goa.

Period : Unlimited

Apart from the insertion of the general clause, the following was the proposal contained in the show cause notice (s) issued to the lessee for modification of the mining lease(s) referred to above:

- i) **Area:** To be reduced to ten square kilometres as required under Section 6 of Mines and Minerals (Regulation & Development) Act, 1957.
- ii) **Period:** To be reduced to two years counting from the date of the modification order, passed under Rule 6 of Mining Leases (Modification of Terms) Rules, 1956.

2. In pursuance of rule 6 of the Mining Leases (Modification of Terms) Rules, 1956, the show cause notice containing the proposals for modification of the above mentioned mining lease was sent to the lessee Shri M. Usman Muhamad Hasan, and the lessor-the Government of Goa, calling upon them to show cause why such modifications/alterations should not be made in the mining lease deed dated held by the lessee.

3. The case was also taken up for hearing on 25-8-99 at Goa for enabling both the parties to put forward their case.

4. At the time of hearing on 25-8-99 at Goa, the lessee was represented by his Advocate who stated that there is no need of modification of existing mining leases of Goa. He reiterated the same objections as has been submitted by the lessee vide his objection letter dated 9-8-99. Further, lessee (s) and his Advocate stated during the hearing.

- i) that the porposal to reduce the area of lease under Section 6 (i) (b) of Mines and Minerals (Regulation & Development) Act, 1957 is not possible which is likely to negate any decision that may be arrived by the Hon'ble Supreme Court of India in the SLP filed by lessee wherein ad interim order, passed on 2-3-98 and
- ii) that the proposal to reduce the period to two years from the date of the modification order is not possible as provided under Section 16 (1A) of Mines and Minerals (Regulation & Development) Act, 1957. The period of the lease has already stand reduced to the extent of six months from the date of assent i.e. 23-5-87 under Section 5 of Goa, Daman & Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987. The advocate of the lessee has also submitted vide his letter dated

a written gist of oral plea reiterating the same objections as made by him during the hearing.

- iii) that the lessee has submitted an application on 8-12-99 with the request to revise earlier modification order dated 23-9-99 the pleas advanced by him above vide para 4(ii) and also submitted an affidavit dated 2-12-99 to abide by the provisions of MM(R&D) Act, 1957, MCR, 1960, MCDR, 1988 and ML(MT) Rules, 1956 and other provisions applicable and as amended from time to time by the Central Government in respect of his aforesaid lease (s).

5. I have given my careful consideration to the above objections/plea advanced by the lessee and his advocate and, in my view, they have got no force on the basis of my finding given hereunder.

- i) that the contention of the lessee(s) is not maintainable as that that the modification of area is likely to negate the decision that may be arrived by the Hon'ble Supreme Court of India in the SLP wherein Ad interim order was passed on 2-3-98. The Hon'ble Supreme Court of India in Ad interim order dated 2-3-98 has permitted the appellants to carry on mining operations and mining business in the mining area for which renewal applications have been made on the condition that the appellants shall pay to the respondents from the date of commencement of the impugned Act all the amount of dead rent, royalty as now stipulated by the respondents under the impugned Act without prejudice and under protest. The appellants will also comply with all other conditions. As regards the period from 1961 till the coming into force of the impugned Act, it will be opened to the respondents to take proceedings from assessment of the amount payable by the appellants but no recovery shall be made without further orders from the court. Thus, there is no restraint put by the order of the Hon'ble Supreme Court of India for control of modification of terms of the existing mining lease(s) to bring in conformity with the terms of the MM(R&D) Act, 1957 and rules made thereunder. Accordingly, the area may be modified without affecting the area under active mining operations.

- ii) that the contention of the lessee(s) that the provisions of Section 16 of Mines and Minerals (Regulation & Development) Act, 1957 are inconsistent with the provisions of Section 5 of Goa, Daman and Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987, therefore, provisions of Section 16 of Mines and Minerals (Regulation & Development) Act, 1957 do not apply to the deemed lease(s) of Goa and submitted an application on 8-12-99 with the request to revise earlier modification order dated 23-9-99. Futher, the lessee(s) has also

submitted an affidavit dated 10-12-99 to abide by provisions of Mines and Minerals (Regulation & Development) Act, 1957, Minerals Concession Rules, 1960, Mineral Conservation and Development Rules, 1988 & Mining Leases (Modification of Terms) Rules, 1956 and other provisions applicable and as amended from time to time by the Central Government in respect of his lease (s). The request of the lease (s) was duly considered at this end. Accordingly, to maintain consistency amongst the Act, 1957, Act, 1987 and the rules made thereunder, the period of the lease(s) is not changed as the same is already modified as per provisions of Goa, Daman and Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987.

6. In the end, it is stated that the Mines & Minerals (Regulation & Development) Act, 1957 has been extended to the State of Goa vide notifications dated 30-9-1963 and 4-1-1966 issued by the Government of Goa, Daman and Diu and Section 16 of the said Act confers the powers for modification of mining lease(s) of the Goa State. Keeping in view of the provisions of the Mines and Minerals (Regulation & Development) Act, 1957, Goa, Daman and Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987 and the rules made thereunder, revise modification order is made.

Order passed accordingly.

(C. P. Ambesh), Controller of Mining Leases for India.

Nagpur, 20-12-99.

Order

No. CML/Z-217, 409, 546/99.

[Under Rule 6 of the Mining Leases (Modification of Terms) Rules, 1956]

(In supersession of earlier order dated 23-9-99.)

Whereas a case was registered for the modification of terms of a *mineral mining lease dated mentioned below for* Iron and Manganese held by Shri Atchuta V. S. Velingkar, Mardol-Goa, for perpetual period, area 157.55 Hectares in Village Vichundgem, Rivona, Taluka Sanguem of Goa State.

AND WHEREAS an enquiry has been made, as laid down in the Mining Leases (Modification of Terms) Rules, 1956.

2. It is hereby, ordered under rule 6 of the aforesaid Rules that terms and conditions of the above lease shall stand modified as follows:-

- (i) Area: The area of the following 3 leases is limited to 157.55 Hects. as shown against each.

Sl. No.	Case No.	Vill/Tq.	Name of Mineral	Area	Date of grant
1	2	3	4	5	6
1.	Z-217	Vichundgem Taluka: Sanguem	Iron & Manganese	59.8180	18-8-1952
2.	Z-409	Rivona, Sanguem	— do —	77.7400	16-2-1954
3.	Z-546	Rivona Sanguem	— do —	20.0000	6-2-1957
				Total: 157.5580 Hects.	

- (ii) Period: No change is made as the period of the lease(s) is already modified as per provisions of the Goa, Daman And Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987.

- (iii) The following clause shall be deemed to be inserted in the lease deed and shall form part thereof:-

"Except for the modifications made by this order, the lease shall be subject to the rules made or deemed to have been made under Sections 13 and 18 of the Mines & Minerals (Regulation & Development) Act, 1957 (No. 67 of 1957)."

3. It is clarified that royalty and dead rent shall be payable in accordance with Section 9 and 9A of the Mines & Minerals (Regulation & Development) Act, 1957 respectively instead of according to the stipulations in the lease deed.

4. It is further clarified that the lessee shall also pay, for the surface area used by him for the purposes of mining operations, surface rent at such rate, as may be specified by the State Government under the Mineral Concession Rules, 1960.

5. This order shall take effect from the date of this order.

6. It is ordered that this order be published in the Official Gazette of Goa State and copies thereof be sent to the lessee and the State Government.

Nagpur:

Dated the 22-1-99.

Sd/-
(C. P. Ambesh)
Controller of Mining
Leases for India

NOTE EMBODYING THE FACTS OF CASE, PLEAS OF THE PARTIES & REASONS FOR THE ORDER

Case No. Z-409, 546, & 217/99 Order dated 22/12/99.

Name of the lessee: Shri Atchut Vishnum Sinai Velingkar, Veling, Post Mardol, Goa 403404

Date of the lease:	<u>Z-409</u> 16-2-54	<u>Z-546</u> 6-2-57	<u>Z-217</u> 18-8-52
Mineral(s):	FE/MN	FE/MN	FE/MN
Area and Location:	77.7400 Hects Rivona Sanguem	20.0000 — do — Rivona Sanguem	59.8180 — do — Vichundrem Sanguem
Period	: Unlimited		

Apart from the insertion of the general clause, the following was the proposal contained in the show cause notice(s) issued to the lessee for modification of the mining lease(s) referred to above:

- i) **Area:** To be reduced to ten square kilometres as required under Section 6 of Mines and Minerals (Regulation & Development) Act, 1957.
- ii) **Period:** To be reduced to two years counting from the date of the modification order, passed under Rule 6 of Mining Leases (Modification of Terms) Rules, 1956.

2. In pursuance of rule 6 of the Mining Leases (Modification of Terms) Rules, 1956, the show cause notice containing the proposals for modification of the above mentioned mining lease was sent to the lessee - and the lessor the Government of Goa, calling upon them to show cause why such modifications/alterations should not be made in the mining lease deed dated held by the lessee.

3. The case was also taken up for hearing on 25-8-99 at Goa for enabling both the parties to put forward their case.

4. At the time of hearing on 25-8-99 at Goa, the lessee was represented by his Advocate who stated that there is no need of modification of existing mining leases of Goa. He reiterated the same objections as has been submitted by the lessee vide his objection letter dated 9-8-99. Further, lessee(s) and his Advocate stated during the hearing.

- i) that the proposal to reduce the **area** of lease under Section 6 (i) (b) of Mines and Minerals (Regulation & Development) Act, 1957 is not possible which is likely to negate any decision that may be arrived by the Hon'ble Supreme Court of India in the SLP filed by lessee wherein Ad interim order, passed on 2-3-98.
- ii) that the proposal to reduce the period to two years from the date of the modification order is not possible as provided under Section 16(1A) of Mines and Minerals (Regulation & Development) Act, 1957. The **period** of the lease has already stand reduced to the extent of six months from the date of assent i. e. 23-5-87

under Section 5 of Goa, Daman & Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987. The advocate of the lessee has also submitted vide his letter dated... a written gist of oral plea reiterating the same objections as made by him during the hearing.

- iii) that the lessee has submitted an application on 8-12-99 with the request to revise earlier modification order dated 23-9-99 on the pleas advanced by him vide para 4 (ii) and also submitted an affidavit dated 6-12-99 to abide by the provisions of MM (R&D) Act, 1957, MCR, 1960, MCDR, 1988 and ML(MT) Rules, 1956 and other provisions applicable and as amended from time to time by the Central Government in respect of his aforesaid lease(s).

5. I have given my careful consideration to the above objections/pleas advanced by the lessee and his advocate and, in my view, they have got no force on the basis of my finding given hereunder:

- i) that the contention of the lessee(s) is not maintainable as that the modification of area is likely to negate the decision that may be arrived by the Hon'ble Supreme Court of India in the SLP wherein Ad interim order was passed on 2-3-98. The Hon'ble Supreme Court of India in Ad interim Order dated 2-3-98 has permitted the appellants to carry on mining operations and mining business in the mining area for which renewal applications have been made on the condition that the appellants shall pay to the respondents from the date of commencement of the impugned Act all the amount of dead rent, royalty as now stipulated by the respondents under the impugned Act without prejudice and under protest. The appellants will also comply with all other conditions. As regards the period from 1961 till the coming into force of the impugned Act, it will be opened to the respondents to take proceedings from assessment of the amount payable by the appellants but no recovery shall made without further orders from the court. Thus, there is no restraint put by the order of the Hon'ble Supreme Court of India for control of modification of terms of the existing mining lease(s) to bring in conformity with the terms of the MM(R&D) Act, 1957 and the rules made thereunder. Accordingly, the area may be modified without affecting the area under active mining operations.

- ii) that the contention the lessee(s) that the provisions of Section 16 of Mines and Minerals (Regulation & Development) Act, 1957 are inconsistent with the provisions of Section 5 of Goa, Daman and Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987, therefore, provisions of Section 16 of

Mines and Minerals (Regulation & Development) Act, 1957 do not apply to the deemed lease(s) of Goa and submitted an application on 8-12-99 with the request to revise earlier modification order dated 23-9-99. Further, the lessee(s) has also submitted an affidavit dated 6-12-99 to abide by provisions of Mines and Minerals (Regulation & Development) Act, 1957, Minerals Concession Rules, 1960, Mineral Conservation and Development Rules, 1988 and Mining Leases (Modification of Terms) Rules, 1956 and other provisions applicable and as amended from time to time by the Central Government in respect of his lease (s). The request of the lease (s) was duly considered at this end. Accordingly, to maintain consistency amongst the Act, 1957, Act, 1987 and the rules made thereunder, the period or the lease(s) is not changed as the same is already modified as per provisions of Goa, Daman and Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987.

6. In the end, it is stated that the Mines & Minerals (Regulation & Development) Act, 1957 has been extended to the State of Goa vide notifications dated 30-9-1963 and 4-1-1966 issued by the Government of Goa, Daman and Diu and Section 16 of the said Act confers the powers for modification of mining lease(s) of the Goa State. Keeping in view of the provisions of the Mines and Minerals (Regulation & Development) Act, 1957, Goa, Daman and Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987 and the rules made thereunder, revise modification order is made.

Order passed accordingly.

C. P. Ambesh, Controller for Mining Leases of India.

Order

No. CML/Z-348/99

[Under Rule 6 of the Mining Leases (Modification of Terms) Rules, 1956]

Whereas a case was registered for the modification of terms of a *Mineral mining lease dated 2-10-1955 for* Iron & Manganese held by Shri Motiram Data Goundolcar, E-88, Comba, Margao, Goa; 403601 for perpetual period, area 88.2500Hectares in Village Nirancal Taluka: Ponda District South Goa of Goa State.

AND WHEREAS an enquiry has been made, as laid down in the Mining Leases (Modification of Terms) Rules, 1956.

2. It is hereby, ordered under rule 6 of the aforesaid Rules that terms and conditions of the above lease shall stand modified as follows:-

- (i) Area: The area of the lease is limited to 88.2500 Hectares.
- (ii) Period: No change is made as the period of the lease(s) is already modified as per provisions of the Goa, Daman and Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987.
- (iii) The following clause shall be deemed to be inserted in the lease deed and shall form part thereof:-

"Except for the modifications made by this order, the lease shall be subject to the rules made or deemed to have been made under Sections 13 and 18 of the Mines & Minerals (Regulation & Development) Act, 1957 (No. 67 of 1957)."

3. It is clarified that royalty and dead rent shall be payable in accordance with Section 9 and 9A of the Mines & Minerals (Regulation & Development) Act, 1957 respectively instead of according to the stipulations in the lease deed.

4. It is further clarified that the lessee shall also pay, for the surface area used by him for the purposes of mining operations, surface rent at such rate, as may be specified by the State Government under the Mineral Concession Rules, 1960.

5. This order shall take effect from the date of this order.

6. It is ordered that this order be published in the Official Gazette of Goa State and copies thereof be sent to the lessee and the State Government.

Nagpur:

Sd/-

(C. P. Ambesh)

Dated the 24-12-99.

Controller of Mining
Leases for India

NOTE EMBODYING THE FACTS OF CASE, PLEAS OF THE PARTIES & REASONS FOR THE ORDER

Case No. Z-348

Order dated 24/12/99

Name of the lessee: Shri Motiram Data Goundolcar
Margao, Goa.

Date of the lease: 2-10-1953.

Mineral(s): Iron & Manganese

Area and Location:

Village: Nirancal of
Ponda Taluka, Ponda,

Dist: North Goa, State:
Goa. 88.2500 Hects.

Period: Unlimited

Apart from the insertion of the general clause, the following was the proposal contained in the show cause notice(s) issued to the lessee for modification of the mining lease(s) referred to above:

i) **Area:** To be reduced to ten square kilometres as required under Section 6 of Mines and Minerals (Regulation & Development) Act, 1957.

ii) **Period:** To be reduced to two years counting from the date of the modification order, passed under Rule 6 of Mining Leases (Modification of Terms) Rules, 1956.

1. In pursuance of rule 6 of the Mining Lease (Modification of Terms) Rules, 1956, the show cause notice containing the proposals for modification of the above mentioned mining lease was sent to the lessee - Shri Motiram Data Goundolcar of Margao and the lessor - the Government of Goa, calling upon them to show cause why such modifications/alterations should not be made in the mining lease deed dated 2-10-1953 held by the lessee.

3. The case was also taken up for hearing on 28-9-99 at Goa for enabling both the parties to put forward their case.

4. At the time of hearing on 28-9-99 at Goa, the lessee was represented by his Advocate who stated that there is no need of modification of existing mining leases of Goa. He reiterated the same objections as has been submitted by the lessee vide his objection letter dated 18-9-99. Further, lessee(s) and his Advocate stated during the hearing.

i) that the proposal to reduce the **area** of lease under Section 6 (i) (b) of Mines and Minerals (Regulation & Development) Act, 1957 is not possible which is likely to negate any decision that may be arrived by the Hon'ble Supreme Court of India in the SLP filed by lessee wherein Ad interim order, passed on 2-3-98.

ii) that the proposal to reduce the period to two years from the date of the modification order is not possible as provided under Section 16(1A) of Mines and Minerals (Regulation & Development) Act, 1957. The **period** of the lease has already stand reduced to the extent of six months from the date of assent i. e. 23-5-87 under Section 5 of Goa, Daman & Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987. The advocate of the lessee has also submitted vide his letter dated 28-9-99 a written gist of oral plea reiterating the same objections as made by him during the hearing.

iii) that the lessee has submitted an affidavit to abide by the provisions of MM(R&D) Act, 1957, MCR, 1960, MCDR, 1988 and ML (MT) Rules, 1956 and other provisions applicable and as amended from time to time by the Central Govt. in respect of his aforesaid lease(s).

5. I have given my careful consideration to the above objections/pleas advanced by the lessee and his advocate and, in my view, they have got no force on the basis of my finding given hereunder:

i) that the contention of the lessee(s) is not maintainable as that the modification of area is likely to negate the decision that may be arrived by the Hon'ble Supreme Court of India in the SLP wherein Ad interim order was passed on 2-3-98. The Hon'ble Supreme Court of India in Ad interim Order dated 2-3-98 has permitted the appellants to carry on mining operations and mining business in the mining area for which renewal applications have been made on the condition that the appellants shall pay to the respondents from the date of commencement of the impugned Act all the amount of dead rent, royalty as now stipulated by the respondents under the impugned Act without prejudice and under protest. The appellants will also comply with all other conditions. As regards the period from 1961 till the coming into force of the impugned Act, it will be opened to the respondents to take proceedings from assessment of the amount payable by the appellants but no recovery shall be made without further orders from the court. Thus, there is no restraint put by the order of the Hon'ble Supreme Court of India for control of modification of terms of the existing mining lease(s) to bring in conformity with the terms of the MM(R&D) Act, 1957 and the rules made thereunder. Accordingly, the area may be modified without affecting the area under active mining operations.

ii) that the contention of the lessee(s) that the provisions of Section 16 of Mines and Minerals (Regulation & Development) Act, 1957 are inconsistent with the provisions of Section 5 of Goa, Daman and Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987, therefore, provisions of Section 16 of Mines and Minerals (Regulation & Development) Act, 1957 do not apply to the deemed lease(s) of Goa and the lessee(s) has also submitted an affidavit dated 6-12-99 to abide by provisions of Mines and Mineral (Regulation & Development) Act, 1957, Mineral Concession Rules, 1960, Mineral Conservation and Development Rules, 1988 Mining Leases (Modification of Terms) Rules, 1956 and other provisions applicable and as amended from time to time by the Central

Government duly considered at this end. Accordingly, to maintain consistency amongst the Act, 1957, Act, 1987 and the rules made thereunder, the period of the lease(s) is not changed as the same is already modified as per provisions of Goa, Daman and Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987.

6. In the end, it is stated that the Mines & Minerals (Regulation & Development) Act, 1957 has been extended to the State of Goa vide notifications dated 30-9-1963 and 4-1-1966 issued by the Government of Goa, Daman and Diu and Section 16 of the said Act confers the powers for modification of mining lease(s) of the Goa State. Keeping in view of the provisions of the Mines and Minerals (Regulation & Development) Act, 1957, Goa, Daman and Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987 and the rules made thereunder, modification order is made.

Order passed accordingly.

C. P. Ambesh, Controller of Mining Leases for India.

Order

No. CML/Z-635/99

[Under Rule 6 of the Mining Leases (Modification of Terms) Rules, 1956]

Whereas a case was registered for modification of terms of a *mineral mining lease dated 28-7-1958 for* Iron held by Shri Babol Saunto Naique Tari, Goa for perpetual period, area 41.4000 Hectares in Village Bati of Taluka: Sanguem of Goa State.

AND WHEREAS an enquiry has been made, as laid down in the Mining Leases (Modification of Terms) Rules, 1956.

2. It is hereby, ordered under rule 6 of the aforesaid Rules that terms and conditions of the above lease shall stand modified as follows:-

- (i) Area: The area of the lease is limited to 41.4000 Hectares.
- (ii) Period: No change is made as the period of the lease(s) is already modified as per provisions of the Goa, Daman and Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987.
- (iii) The following clause shall be deemed to be inserted in the lease deed and shall form part thereof:-

"Except for the modifications made by this order, the lease shall be subject to the rules made or deemed to have been made under Sections 13 and 18 of the Mines & Minerals (Regulation & Development) Act, 1957 (No. 67 of 1957)."

3. It is clarified that royalty and dead rent shall be payable in accordance with Section 9 and 9A of the Mines & Minerals (Regulation & Development) Act, 1957 respectively instead of according to the stipulations in the lease deed.

4. It is further clarified that the lessee shall also pay, for the surface area used by him for the purposes of mining operations, surface rent at such rate, as may be specified by the State Government under the Mineral Concession Rules, 1960.

5. This order shall take effect from the date of this order.

6. It is ordered that this order be published in the Official Gazette of Goa State and copies thereof be sent to the lessee and the State Government.

Nagpur:

Dated the 24/12/99.

Sd/-
(C. P. Ambesh)
Controller of Mining
Leases for India

NOTE EMBODYING THE FACTS OF CASE, PLEAS OF THE PARTIES & REASONS FOR THE ORDER

Case No. CML/Z-635/99 Order dated 24/12/99

Name of the lessee: Shri Babol Saunto Naique Tari,
Mine Owner, Sanguem, Goa.

Date of the lease: 28-7-1958

Mineral(s): Iron

Area and Location: 41.4000 Hectares.
Bati, Taluka: Sanguem

Period: Unlimited

Apart from the insertion of the general clause, the following was the proposal contained in the show cause notice(s) issued to the lessee for modification of the mining lease(s) referred to above:

- i) **Area:** To be reduced to ten square kilometres as required under Section 6 of Mines and Minerals (Regulation & Development) Act, 1957.
- ii) **Period:** To be reduced to two years counting from the date of the modification order, passed under Rule 6 of Mining Leases (Modification of Terms) Rules, 1956.

1. In pursuance of rule 6 of the Mining Leases (Modification of Terms) Rules, 1956, the show cause

notice containing the proposals for modification of the above mentioned mining lease was sent to the lessee Shri Babol Saunto Naigue Tari, and the lessor-the Government of Goa, calling upon them to show cause why such modifications/alterations should not be made in the mining lease deed dated 28-7-1958 held by the lessee.

3. The case was also taken up for hearing on 28-9-99 at Goa for enabling both the parties to put forward their case.

4. At the time of hearing on 28-9-99 at Goa, the lessee was represented by his Advocate who stated that there is no need of modification of existing mining leases of Goa. He reiterated the same objections as has been submitted by the lessee vide his objection letter dated 18-9-99. Further, lessee(s) and his Advocate stated during the hearing.

i) that the proposal to reduce the area of lease under Section 6 (i) (b) of Mines and Minerals (Regulation & Development) Act, 1957 is not possible which is likely to negate any decision that may be arrived by the Hon'ble Supreme Court of India in the SLP filed by lessee wherein Ad interim order, passed on 2-3-98.

ii) that the proposal to reduce the period to two years from the date of the modification order is not possible as provided under Section 16(1A) of Mines and Minerals (Regulation & Development) Act, 1957. The period of the lease has already stand reduced to the extent of six months from the date of assent i. e. 23-5-87 under Section 5 of Goa, Daman & Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987. The advocate of the lessee has also submitted vide his letter dated 28-9-99 a written gist of oral plea reiterating the same objections as made by him during the hearing.

iii) that the lessee has submitted an affidavit to abide by the provisions of MM(R&D) Act, 1957, MCR, 1960, MCDR, 1988 and ML (MT) Rules, 1956 and other provisions applicable and as amended from time to time by the Central Govt. in respect of his aforesaid lease(s).

5. I have given my careful consideration to the above objections/pleas advanced by the lessee and his advocate and, in my view, they have got no force on the basis of my finding give hereunder:

i) that the contention of the lessee(s) is not maintainable as that the modification of area is likely to negate the decision that may be arrived by the Hon'ble Supreme Court of India in the SLP wherein Ad interim order was passed on 2-3-98. The Hon'ble Supreme Court of India

in Ad interim Order dated 2-3-98 has permitted the appellants to carry on mining operations and mining business in the mining area for which renewal applications have been made on the condition that the appellants shall pay to the respondents from the date of commencement of the impugned Act all the amount of dead rent, royalty as now stipulated by the respondents under the impugned Act without prejudice and under protest. The appellants will also comply with all other conditions. As regards the period from 1961 till the coming into force of the impugned Act, it will be opened to the respondents to take proceedings from assessment of the amount payable by the appellants but no recovery shall made without further orders from the court. Thus, there is no restraint put by the order of the Hon'ble Supreme Court of India for control of modification of terms of the existing mining lease(s) to bring in conformity with the terms of the MM(R&D) Act, 1957 and the rules made thereunder. Accordingly, the area may be modified without affecting the area under active mining operations.

ii) that the contention the lessee(s) that the provisions of Section 16 of Mines and Minerals (Regulation & Development) Act, 1957 are inconsistent with the provisions of Section 5 of Goa, Daman and Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987, therefore, provisions of Section 16 of Mines and Minerals (Regulation & Development) Act, 1957 do not apply to the deemed lease(s) of Goa and the lessee(s) has also submitted an affidavit dated to abide by provisions of Mines and Minerals (Regulation & Development) Act, 1957, Mineral Concession Rules, 1960, Mineral Conservation and Development Rules, 1988 and Mining Leases (Modification of Terms) Rules, 1956 and other provisions applicable and as amended from time to time by the Central Government were duly considered at this end. Accordingly, to maintain consistency amongst the Act, 1957, Act, 1987 and the rules made thereunder, the period of the lease(s) is not changed as the same is already modified as per provisions of Goa, Daman and Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987.

6. In the end, it is stated that the Mines & Minerals (Regulation & Development) Act, 1957 has been extended to the State of Goa vide notifications dated 30-9-1963 and 4-1-1966 issued by the Government of Goa, Daman and Diu and Section 16 of the said Act confers the powers for modification of mining lease(s) of the Goa State. Keeping in view of the provisions of the Mines and Minerals (Regulation & Development) Act, 1957, Goa, Daman and Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987

and the rules made thereunder, revise modification order is made.

Order Passed Accordingly.

C. P. Ambesh, Controller of Mining Leases for India.

Order

Case No. CML/Z-13,25,234/99

[Under Rule 6 of the Mining Leases (Modification of terms) Rules, 1956]

Whereas a case was registered for the modification of terms of a *mineral 3 mining lease dated mentioned below for* Iron & Manganese held by M/s Rajaram Bandekar (Sirigao) Mines Pvt. Ltd. Vasco-da-Gama, Goa for perpetual period 298.20 Hectares in Village(s) Nundem, Sirigao, Pale, Taluka: Sanguem, Bicholim, of Goa State.

And whereas an enquiry has been made, as laid down in the Mining Leases (Modification of Terms) Rules, 1956.

2. It is hereby ordered under rule 6 of the aforesaid Rules that terms and conditions of the above lease shall stand modified as follows:-

(i) Area: The area of the following three leases is limited to 298.20 Hects. as shown against each.

Sl. No.	Case No.	Vill/Tq.	Name of Mineral	Area	Date of grant
1	2	3	4	5	6
1.	Z-13	Nundem, Sanguem	Iron & Man-ganese	98.8264	20-8-1941
2.	Z-25	Sirigao, Bicholim	Iron & Bauxite	99.9300	17-6-1949
3.	Z-234	Pale, Bicholim	Iron & Manga-nese	99.4500	3-10-1952

Total:- 298.2064 Hects.

(ii) **Period:** No change is made as the period of lease(s) is already modified as per provisions of the Goa, Daman & Diu Mining Concession (Abolition and Declaration as mining leases) Act, 1987.

(iii) The following clause shall be deemed to be inserted in the lease deed and shall form part thereof:-

"Except for the modifications made by this order, the lease shall be subject to the rules made

or deemed to have been made under Sections 13 and 18 of the Mines & Minerals (Regulation & Development) Act, 1957 (No. 67 of 1957)."

3. It is clarified that royalty and dead rent shall be payable in accordance with Section 9 and 9A of the Mines & Minerals (Regulation & Development), Act, 1957 respectively instead of according to the stipulations in the lease deed.

4. It is further clarified that the lessee shall also pay, for the surface area used by him for the purposes of mining operations, surface rent at such rate, as may be specified by the State Government under the Mineral Concession Rules, 1960.

5. This order shall take effect from the date of this order.

6. It is ordered that this order be published in the Official Gazette of Goa State and copies thereof be sent to the lessee and the State Government.

Sd/- C. P. Ambesh, Controller of Mining Leases for India.

Nagpur: Dated 24-12-1999.

NOTE EMBODYING THE FACTS OF CASE, PLEAS OF THE PARTIES & REASONS FOR THE ORDER

Case No. CML/Z- 13,25,234/99

Name of the lessee: M/s Rajaram N. S. Bandekar & Co. Pvt. Ltd. Nitin Chambers, P. O. Box No. 31, Swatantra Path, Vasco-da-Gama, Goa.

Date of the lease: Z-13 20-5-41 Z-25 17-6-49 Z-234 3-10-52

Mineral(s): FE/MN /FE/Bauxite FE/MN

Area and Location: 98.8264 Nundem, Sanguem, Goa. 99.9300 Sirigao, Bicholim, Goa. 99.4500 Pale, Bicholim, Goa.

Period: Unlimited

Apart from the insertion of the general clause, the following was the proposal contained in the show cause notice(s) issued to the lessee for modification of the mining lease(s) referred to above:

i) **Area:** To be reduced to ten square kilometres as required under Section 6 of Mines and Minerals (Regulation & Development), Act, 1957.

ii) **Period:** To be reduced to two years counting from the date of the modification order,

passed under Rule 6 of Mining Leases (Modification of Terms) Rules, 1956.

1. In pursuance of rule 6 of the Mining Leases (Modification of Terms) Rules, 1956, the show cause notice containing the proposals for modification of the above mentioned mining lease was sent to the lessee— M/s Rajaram N. S. Bandekar & Co. Pvt. Ltd., and the lessor—the Government of Goa, Calling upon them to show cause why such modifications/alterations should not be made in the mining lease deed dated as above held by the lessee.

3. The case was also taken up for hearing on 28-9-99 at Goa for enabling both the parties to put forward their case.

4. At the time of hearing on 28-9-99 at Goa, the lessee was represented by his Advocate who stated that there is no need of modification of existing mining leases of Goa. He reiterate the same objections as has been submitted by the lessee vide his objection letter dated 18-9-99. Further, lessee(s) and his Advocate stated during the hearing.

- i) that the proposal to reduce the **area** of lease under Section 6 (i) (b) of Mines and Minerals (Regulation & Development) Act, 1957 is not possible which is likely to negate any decision that may be arrived by the Hon'ble Supreme Court of India in the SLP filed by lessee wherein Ad interim order, passed on 2-3-98.
- ii) that the proposal to reduce the period to two years from the date of the modification order is not possible as provided under Section 16(1A) of Mines and Minerals (Regulation & Development) Act, 1957. The **period** of the lease has already stand reduced to the extent of six months from the date of assent i. e. 23-5-87 under Section 5 of Goa, Daman & Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987. The advocate of the lessee has also submitted vide his letter dated 28-9-99 a written gist of oral plea reiterating the same objections as made by him during the hearing.
- iii) that the lessee has submitted an affidavit to abide by the provisions of MM(R&D) Act, 1957, MCR, 1960, MCDR, 1988 and ML(MT) Rules, 1956 and other provisions applicable and as amended from time to time by the Central Govt. in respect of his aforesaid lease(s).

5. I have given my careful consideration to the above objections/plea advanced by the lessee and his advocate and, in my view, they have got no force on the basis of my finding given hereunder:

- i) that the contention of the lessee(s) is not maintainable as that the modification of area is

likely to negate the decision that may be arrived by the Hon'ble Supreme Court of India in the SLP wherein Ad interim order was passed on 2-3-98. The Hon'ble Supreme Court of India in Ad interim order dated 2-3-98 has permitted the appellants to carry on mining operations and mining business in the mining area for which renewal applications have been made on the condition that the appellants shall pay to the respondents from the date of commencement of the impugned Act all the amount of dead rent, royalty as now stipulated by the respondents under the impugned Act without prejudice and under protest. The appellants will also comply with all other conditions. As regards the period from 1961 till the coming into force of the impugned Act, it will be opened to the respondents to take proceedings from assessment of the amount payable by the appellants but no recovery shall be made without further orders from the court. Thus, there is no restraint put by the order of the Hon'ble Supreme Court of India for control of modification of terms of the existing mining lease(s) to bring in conformity with the terms of the MM (R&D) Act, 1957 and the rules made thereunder. Accordingly, the area may be modified without affecting the area under active mining operations.

- ii) that the contention of the lessee(s) that the provisions of Section 16 of Mines and Minerals (Regulation & Development) Act, 1957 are in consistent with the provisions of Section 5 of Goa, Daman and Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987, therefore, provisions of the Section 16 of Mines and Minerals (Regulation & Development) Act, 1957 do not apply to the deemed lease(s) of Goa and the lessee(s) also submitted an affidavit dated 2-12-1999 to abide by the provisions of Mines and Minerals (Regulation & Development) Act, 1957, Mineral Concession Rules, 1960, Mineral Conservation and Development Rules, 1988 & Mining Leases (Modification of Terms) Rules, 1956 and other provisions applicable and as amended from time to time by the Central Govt. were duly considered at this end. Accordingly, to maintain consistency amongst the Act, 1957, Act, 1987 and the rule made thereunder, the period of the lease(s) is not changed as the same is already modified as per provisions of Goa, Daman and Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987.

6. In the end, it is stated that the Mines & Minerals (Regulation & Development) Act, 1957 has been extended to the State of Goa vide notifications dated 30-9-1963 and 4-1-1966 issued by the Government of Goa, Daman and Diu and Section 16 of the said Act confers the power for modification of mining lease(s) of the Goa State. Keeping in view of the provisions of the Mines and Minerals (Regulation & Development) Act,

1957, Goa, Daman and Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987 and the rules made thereunder, modification order is made.

Order Passed Accordingly.

Sd/-
C. P. Ambesh,
Controller of Mining
Leases for India.

Order

Case No. CML/Z-10,276/99

[Under Rule 6 of the Mining Leases (Modification of terms) Rules, 1956]

Whereas a case was registered for the modification of terms of a *mineral 2 mining lease dated mentioned below for * Iron Ore held by M/s. EMCO Goa Private Limited, Margao, Goa - 403 601 for perpetual period, area 146.04 acres/ Bimbol (Sigao), Mollem, Collem, Taluka: Sanguem, State of Goa.

And whereas an enquiry has been made, as laid down in the Mining Leases (Modification of Terms) Rules, 1956.

2. It is hereby ordered under rule 6 of the aforesaid Rules that terms and conditions of the above lease shall stand modified as follows:-

- (i) **Area:** The area of the following two lease is limited to 146.04 Hects. as shown against each.

Sl. No.	Case No.	Vill/Tq.	Name of Mineral	Area	Date of grant
1.	Z-10	Bimbol (Sigao), Sanguem, Goa.	Iron Ore	87.62	19.3.1941
2.	Z-276	Mollem, Collem, Sanguem, Goa.	Iron Ore	58.42	5.4.1953
				Total:.....	146.04

- (ii) **Period:** No change is made as the period of lease (s) is already modified as per provisions of the Goa, Daman & Diu Mining Concession (Abolition and Declaration as mining leases) Act, 1987.

The following clause shall be deemed to be inserted in the lease deed and shall form part thereof:-

"Except for the modifications made by this order, the lease shall be subject to the rules made or deemed to have been made under Sections 13 and 18 of the Mines & Minerals (Regulation & Development) Act, 1957 (No. 67 of 1957)."

3. It is clarified that royalty and dead rent shall be payable in accordance with Section 9 and 9A of the mines & Minerals (Regulation & Development), Act, 1957 respectively inserted of according to the stipulations in the lease deed.

4. It is further clarified that the lessee shall also pay, for the surface area used by him for the purposes of mining operations, surface rent at such rate, as may be specified by the State Government under the Mineral Concession Rules, 1960.

5. This order shall take effect from the date of this order.

6. It is ordered that this order be published in the Official Gazette of Goa State and copies thereof be sent to the lessee and the State Government.

Sd/-

C. P. Ambesh,
Nagpur: Dated the 24-12-99 Controller of Mining
Leases for India.

NOTE EMBODYING THE FACTS OF CASE, PLEAS OF THE PARTIES & REASONS FOR THE ORDER

Order dated: 24 -12-99

Case No. CML/Z-10, 276/99

Name of the lessee: M/s. Emco Goa Private Limited,
Dessai Bros. Bldg., Post Box
No. 54, old Station Road, Margao,
Goa-403-601

Date of the lease: Z-10 Z-276
19-3-41 6-4-53

Mineral(s): Iron Ore Iron Ore
Area and Location: 87.62 58.42 (Sigao)
Bimbol Mollem,
(Sigao) Collem,
Sanguem, Sanguem,
Goa. Goa.

Period: Unlimited

Apart from the insertion of the general clause, the following was the proposal contained in the show cause notice(s) issued to the lessee for modification of the mining lease(s) referred to above:

- i) **Area:** To be reduced to ten square kilometres as required under Section 6 of Mines and Minerals (Regulation & Development) Act, 1957.

- ii) **Period:** To be reduced to two years counting from the date of the modification order,

passed under Rule 6 of Mining Leases (Modification of Terms) Rules, 1956.

1. In pursuance of rule 6 of the Mining Leases (Modification of Terms) Rules, 1956, the show cause notice containing the proposals for modification of the above mentioned mining lease was sent to the lessee and the lessor-the Government of Goa, calling upon them to show cause why such modifications/alterations should not be made in the mining lease deed dated as above held by the lessee.

3. The case was also taken up for hearing on 28-9-99 at Goa for enabling both the parties to put forward their case.

4. At the time of hearing on 28-9-99 at Goa, the lessee was represented by his Advocate who stated that there is no need of modification of existing mining leases of Goa. He reiterated the same objections as has been submitted by the lessee vide his objection letter dated 18-9-99. Further, lessee(s) and his Advocate stated during the hearing.

- i) that the proposal to reduce the **area** of lease under Section 6 (i) (b) of Mines and Minerals (Regulation & Development) Act, 1957 is not possible which is likely to negate any decision that may be arrived by the Hon'ble Supreme Court of India in the SLP filed by lessee wherein Ad interim order, passed on 2-3-98.
- ii) that the proposal to reduce the period to two years from years from the date of the modification order is not possible as provided under Section 16(1A) of Mines and Minerals (Regulation & Development) Act, 1957. The **period** of the lease has already stand reduced to the extent of six months from the date of assent i.e. 23-5-87 under Section 5 of Goa, Daman & Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987. The advocate of the lessee has also submitted vide his letter dated 28-9-99 a written gist of oral plea reiterating the same objections as made by him during the hearing.
- iii) that the lessee has submitted an affidavit to abide by the provisions of MM(R&D) Act, 1957, MCR, 1960, MCDR, 1988 and ML(MT) Rules, 1956 and other provisions applicable and as amended from time to time by the Central Govt. in respect of his aforesaid lease(s).

5. I have given my careful consideration to the above objections/plea advanced by the lessee and his advocate and, in my view, they have got no force on the basis of my finding given hereunder:

- i) that the contention of the lessee (s) is not maintainable as that the modification of area is likely to negate the decision that may be

arrived by the Hon'ble Supreme Court of India in the SLP wherein Ad interim order was passed on 2-3-98. The Hon'ble Supreme Court of India in Ad interim order dated 2-3-98 has permitted the appellants to carry on mining operations and mining business in the mining area for which renewal applications have been made on the condition that the appellants shall pay to the respondents from the date of commencement of the impugned Act all the amount of dead rent, royalty as now stipulated by the respondents under the impugned Act without prejudice and under protest. The appellants will also comply with all other conditions. As regards the period from 1961 till the coming into force of the impugned Act, it will be opened to the respondents to take proceedings from assessment of the amount payable by the appellants but no recovery shall be made without further orders from the court. Thus, there is no restraint put by the order of the Hon'ble Supreme Court of India for control of modification of terms of the existing mining lease(s) to bring in conformity with the terms of the MM(R & D) Act, 1957 and the rules made thereunder. Accordingly, the area may be modified without affecting the area under active mining operations.

- ii) that the contention of the lessee(s) that the provisions of Section 16 of Mines and Minerals (Regulation & Development) Act, 1957 are inconsistent with the provisions of Section 5 of Goa, Daman and Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987, therefore, provisions of the Section 16 of Mines and Minerals (Regulation & Development) Act, 1957 do not apply to the deemed lease(s) of Goa and the lessee(s) also submitted an affidavit dated 2-12-1999 to abide by the provisions of Mines and Minerals (Regulation & Development) Act, 1957, Mineral Concession Rules, 1960, Mineral Conservation and Development Rules, 1988 & Mining Leases (Modification of Terms) Rules, 1956 and other provisions applicable and as amended from time to time by the Central Govt. were duly considered at this end. Accordingly, to maintain consistency amongst the Act, 1957, Act, 1987 and the rules made their under, the period of the lease(s) is not changed as the same is already modified as per provisions of Goa, Daman and Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987.

6. In the end, it is stated that the Mines & Minerals (Regulation & Development) Act, 1957 has been extended to the State of Goa vide notifications dated 30-9-1963 and 4-1-1966 issued by the Government of Goa, Daman and Diu and Section 16 of the said Act confers the power for modification of mining lease(s)

of the Goa State. Keeping in view of the provisions of the Mines and Minerals (Regulation & Development) Act, 1957, Goa, Daman and Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987 and the rules made thereunder, modification order is made.

Order Passed Accordingly.

C. P. Ambesh, Controller of Mining Leases for India.

Order

Case No. CML/Z-644/99

[Under Rule 6 of the Mining Leases (Modification of Terms) Rules, 1956]

Whereas a case was registered for the modification of terms of a *mineral mining lease dated as per list enclosed for * Fe/Mn held by Shri V. M. Salgaonkar, Vasco-da-Gama, Goa for perpetual period area 623.5120 hectares in village(s)/Taluka as per list enclosed of State of Goa.

And whereas an enquiry has been made, as laid down in the Mining Leases (Modification of Terms) Rules, 1956.

2. It is hereby ordered under rule 6 of the afore said Rules that terms and conditions of the above lease shall stand modified as follows:-

- (i) Area: The area of the 9 Leases, as per list enclosed, is limited to 623.5120 Hectares only.

- (ii) Period: No charge in made as the period of lease(s) is already modified as per provisions of the Goa, Daman & Diu Mining Concession (Abolition and Declaration as Mining Leases) Act, 1987.

- (iii) The following clause shall be deemed to be inserted in the lease deed and shall form part thereof:-

"Except for the modifications made by this order, the lease shall be subject to the rules made or deemed to have been made under Sections 13 and 18 of the Mines & Minerals (Regulation & Development) Act, 1957 (No. 67 of 1957)."

3. It is clarified that royalty and dead rent shall be payable in accordance with Section 9 and 9A of the Mines & Minerals (Regulation & Development) Act, 1957 respectively instead of according to the stipulations in the lease deed.

4. It is further clarified that the lessee shall also pay, for the surface area used by him for the purposes of mining operation, surface rent at such rate, as may be specified by the State Government under the Mineral Concession Rules, 1960.

5. This order shall take effect from the date of this order.

6. It is ordered that this order be published in the Official Gazette of Goa state and copies thereof be sent to the lessee and the State Government.

Sd/-

C. P. Ambesh,
Controller of Mining
Leases for India.

Nagpur,
Dated the 29th Dec. 99.
Encls:- List

List of 9 Mining Leases of Shri V. M. Salgaocar, Vasco-da-Gama, Goa in the State of Goa. Modified Vide Order No. CML/Z-64499 dated: 29-12-99

Sr. No.	Case No.	Village	Taluka	Mineral	Title No.	Date of Grant	Area (Hac.)
1.	Z-644	Latambarcem	Bicholim	Iron	40	11, Aug, 58	99.2130
2.	Z-350	Sigao	Sanguem	Fe/Mn	97	2, Oct, 53	60.1000
3.	Z-528	Aglote	Sanguem	Fe/Mn	38	17, Oct, 56	29.9000
4.	Z-647	Amona	Bicholim	Fe/Mn	45	29, Aug, 58	35.0000
5.	Z-413	Shiroda	Ponda	Fe/Mn	15	19, Feb. 54	48.9000
6.	Z-645	Curpem	Sanguem	Fe/Mn	41	29, Aug, 58	71.8800
7.	Z-648	Melauli	Sattari	Iron	44	29, Aug, 58	94.2300
8.	Z-646	Aglote	Sanguem	Iron	42	29, Aug, 58	99.8500
9.	Z-762	Poriem	Sattari	Fe/Mn	83	14, Dec, 59	84.4390
							Total - 623.5120

Controller of Mining Leases for India.

**NOTE EMBODYING THE FACTS OF CASE, PLEAS
OF THE PARTIES & REASONS FOR THE ORDER**

Case No. CML/Z-644/99 Order dated 29-12-99

Name of the lessee: Shri V. M. Salgaocar P. O. Box
14, Vasco-da-Gama-Goa.

Date of the lease:

Mineral(s):

Area and Location: As per list
enclosed vide
Modification
Order No.
CML/Z-644/99
Dated 29-12-99

Period: Unlimited

Apart from the insertion of the general clause, the following was the proposal contained in the show cause notice(s) issued to the lessee for modification of the mining lease(s) referred to above:

- i) **Area:** To be reduced to ten square kilometres as required under Section 6 of Mines and Minerals (Regulation & Development) Act, 1957.
- ii) **Period:** To be reduced to two years counting from the date of the modification order, passed under Rule 6 of Mining Leases (Modification of Terms) Rules, 1956.

2. In pursuance of rule 6 of the Mining Leases (Modification of Terms) Rules, 1956, the show cause notice containing the proposals for modification of the above mentioned mining lease was sent to the lessee— Shri V. M. Salgaocar, and the lessor - the Government of Goa, calling upon them to show cause why such modifications/alterations should not be made in the mining lease deed dated 11-8-1958 & other 8 as per enclosed list held by the lessee.

3. The case was also taken up for hearing on 9-12-99 at Goa for enabling both the parties to put forward their case.

4. In response to the show cause notice(s) dated 4-10-99 issued to the lessee(s), the lessee(s) has submitted reply that there is no need of modification of existing mining lease(s) of Goa, mainly, on the following ground:-

- i) that the proposal to reduce the **area** of lease under Section 6 (i) (b) of Mines and Minerals (Regulation & Development) Act, 1957 is not possible which is likely to negate any decision that may be arrived by the Hon'ble Supreme Court of India in the SLP filed by lessee wherein Ad interim order, passed on 2-3-98.
- ii) that the proposal to reduce the period for two years from the date of the modification order is

not possible as provided under Section 16(1A) of Mines and Minerals (Regulation & Development) Act, 1957. The **period** of the lease has already stand reduced to the extent of six months from the date of assent i.e. 23-5-87 under Section 5 of Goa, Daman & Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987.

Further, the lessee(s) has submitted affidavit(s) at the time of hearing at Goa on 9-12-99 to abide by the provisions of MM(R&D) Act, 1957, MCR, 1960, MCDR, 1988 and ML(MT) Rules, 1956 and other provisions applicable and as amended from time to time by the Central Govt. in respect of his aforesaid lease(s).

5. I have given my careful consideration to the above objections/plea advanced by the lessee and his advocate and, in my view, they have got no force on the basis of my finding given hereunder

- i) that the contention of the lessee(s) is not maintainable as the modification of area is likely to negate the decision that may be arrived by the Hon'ble Supreme Court of India in the SLP wherein Ad interim order was passed on 2-3-98. The Hon'ble Supreme Court of India in Ad interim order dated 2-3-98 has permitted the appellants to carry on mining operations and mining business in the mining area for which renewal applications have been made on the condition that the appellants shall pay to the respondents from the date of commencement of the impugned Act all the amount of dead rent, royalty as now stipulated by the respondents under the impugned Act without prejudice and under protest. The appellants will also comply with all other conditions. As regards the period from 1961 till the coming into force of the impugned Act, it will be opened to the respondents to take proceedings for assessment of the amount payable by the appellants but no recovery shall be made without further orders from the court. Thus, there is no restraint put by the order of the Hon'ble Supreme Court of India for control of modification of terms of the existing mining lease(s) to bring in conformity with the terms of the MM(R&D) Act, 1957 and the rules made thereunder. Accordingly, the area may be modified without affecting the area under active mining operations.

- ii) that the contention of the lessee(s) that the provisions of Section 16 of Mines and Minerals (Regulation & Development) Act, 1957 are inconsistent with the provisions of Section 5 of Goa, Daman and Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987, therefore, provisions of the Section 16 of Mines and Minerals (Regulation & Development) Act, 1957 do not

apply to the deemed lease(s) of Goa and the lessee(s) also submitted affidavit(s) dated 8-12-99 to abide by the provisions of Mines and Minerals (Regulation & Development) Act, 1957, Mineral Concession Rules, 1960, Mineral Conservation and Development Rules, 1988 & Mining Leases (Modification of Terms) Rules, 1956 and other provisions applicable and as amended from time to time by the Central Govt. were duly considered at this end. Accordingly, to maintain consistency amongst the Act, 1957, Act, 1987 and the rules made thereunder, the period of the lease(s) is not changed as the same is already modified as per provisions of Goa, Daman and Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987.

6. In the end, it is stated that the Mines & Minerals (Regulation & Development) Act, 1957 has been extended to the State of Goa vide notifications dated 30-9-1963 and 4-1-1966 issued by the Government of Goa, Daman and Diu and Section 16 of the said Act confers power to the CML for modification of mining lease(s) of the Goa State. Keeping in view of the provisions of the Mines and Minerals (Regulation & Development) Act, 1957, Goa, Daman and Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987 and the rules made thereunder, modification of lease(s) is made.

Order passed accordingly.

C. P. Ambesh, Controller of Mining Leases for India.

Order

Case No. CML/Z-117/99

[Under Rule 6 of the Mining Leases (Modification of Terms) Rules, 1956]

Whereas a case was registered for the modification of terms of a *mineral mining lease dated 20-4-1951 for *Iron & Manganese held by Shri Xec Abdul Gofur, Mine Owner, Gofur Manzil, Goa for perpetual period area 36.9435 hectares in village/Taluka Curchorem Taluka: Sanguem, District South Goa of Goa State.

And whereas an enquiry has been made, as laid down in the Mining Leases (Modification of Terms) Rules, 1956.

2. It is hereby ordered under rule 6 of the aforesaid Rules that terms and conditions of the above lease shall stand modified as follows:-

(i) Area: The area of the lease is limited to 36.9435

Hectares.

(ii) Period: No change in made as the period of lease(s) is already modified as per provisions of the Goa, Daman & Diu Mining Concession (Abolition and Declaration as Mining Leases) Act, 1987.

(iii) The following clause shall be deemed to be inserted in the lease deed and shall form part thereof:-

"Except for the modifications made by this order, the lease shall be subject to the rules made or deemed to have been made under Sections 13 and 18 of the Mines & Minerals (Regulation & Development) Act, 1957 (No. 67 of 1957)."

3. It is clarified that royalty and dead rent shall be payable in accordance with Section 9 and 9A of the Mines & Minerals (Regulation & Development) Act, 1957 respectively instead of according to the stipulations in the lease deed.

4. It is further clarified that the lessee shall also pay, for the surface area used by him for the purposes of mining operation, surface rent at such rate, as may be specified by the State Government under the Mineral Concession Rules, 1960.

5. This order shall take effect from the date of this order.

6. It is ordered that this order be published in the Official Gazette of Goa state and copies thereof be sent to the lessee and the State Government.

Sd/- C. P. Ambesh, Controller of Mining Leases for India.

Nagpur, 24th December, 1999.

NOTE EMBODYING THE FACTS OF CASE, PLEAS OF THE PARTIES & REASONS FOR THE ORDER

Case No. Z-177/99	Order dated 24-12-1999.
Name of the lessee:	Shri Xec Abdul Gofur, Mine Owner, Gofur Manzil, Curchorem, Goa 403786.
Date of the lease:	20-4-1951
Mineral(s):	Iron and Manganese
Area and Location:	36.9435 Hects. Village Curchorem, Taluka Sanguem, Dist South Goa, State Goa.
Period :	Unlimited

Apart from the insertion of the general clause, the following was the proposal contained in the show cause notice(s) issued to the lessee for modification of the mining lease(s) referred to above:

- i) **Area:** To be reduced to ten square kilometres as required under Section 6 of Mines and Minerals (Regulation & Development) Act, 1957.
- ii) **Period :** To be reduced to two years counting from the date of the modification order, passed under Rule 6 of Mining Leases (Modification) of Terms) Rules, 1956.

2. In pursuance of rule 6 of the Mining Leases (Modification of Terms) Rules, 1956, the show cause notice containing the proposals for modification of the above mentioned mining lease was sent to the lessee - Shri Xec Abdul Gofur, and the lessor - the Government of Goa, calling upon them to show cause why such modifications/alterations should not be made in the mining lease deed dated 20-4-1951 held by the lessee.

3. The case was also taken up for hearing on 28-9-99 at Goa for enabling both the parties to put forward their case.

4. At the time of hearing on 28-9-99 at Goa, the lessee was represented by his Advocate who stated that there is no need of modification of existing mining leases of Goa. He reiterated the same objections as has been submitted by the lessee vide his objection letter dated 18-9-99. Further, lessee(s) and his Advocate stated during the hearing.

- i) that the proposal to reduce the **area** of lease under Section 6 (i) (b) of Mines and Minerals (Regulation & Development) Act, 1957 is not possible which is likely to negate any decision that may be arrived by the Hon'ble Supreme Court of India in the SLP filed by lessee wherein Ad interim order, passed on 2-3-98.
- ii) that the proposal to reduce the period to two years from the date of the modification order is not possible as provided under Section 16(1A) of Mines and Minerals (Regulation & Development) Act, 1957. The **period** of the lease has already stand reduced to the extent of six months from the date of assent i. e. 23.5.87 under Section 5 of Goa, Daman & Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987. The advocate of the lessee has also submitted vide his letter dated 28-9-99 a written gist of oral plea reiterating the same objections as made by him during the hearing.
- iii) that, the lessee has submitted an affidavit to abide by the provisions of MM(R&D) Act, 1957,

MCR, 1960, MCDR, 1988 and ML(MT) Rules, 1956 and other provisions applicable and as amended from time to time by the Central Govt. in respect of his aforesaid lease(s).

5. I have given my careful consideration to the above objections/plea advanced by the lessee and his advocate and, in my view, they have got no force on the basis of my finding given hereunder:

- i) that the contention of the lessee(s) is not maintainable as the modification of area is likely to negate the decision that may be arrived by the Hon'ble Supreme Court of India in the SLP wherein Ad interim order was passed on 2-3-98. The Hon'ble Supreme Court of India in Ad interim order dated 2-3-98 has permitted the appellants to carry on mining operations and mining business in the mining area for which renewal applications have been made on the condition that the appellants shall pay to the respondents from the date of commencement of the impugned Act all the amount of dead rent, royalty as now stipulated by the respondents under the impugned Act without prejudice and under protest. The appellants will also comply with all other conditions. As regards the period from 1961 till the coming into force of the impugned Act, it will be opened to the respondents to take proceedings for assessment of the amount payable by the appellants but no recovery shall be made without further orders from the court. Thus, there is no restraint put by the order of the Hon'ble Supreme Court of India for control of modification of terms of the existing mining lease(s) to bring in conformity with the terms of the MM(R&D) Act, 1957 and the rules made thereunder. Accordingly, the area may be modified without affecting the area under active mining operations.
- ii) that the contention of the lessee(s) that the provisions of Section 16 of Mines and Minerals (Regulation & Development) Act, 1957 are inconsistent with the provisions of Section 5 of Goa, Daman and Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987, therefore, provisions of the Section 16 of Mines and Minerals (Regulation & Development) Act, 1957 do not apply to the deemed lease(s) of Goa and the lessee(s) also submitted an affidavit dated 2-12-99 to abide by the provisions of Mines and Minerals (Regulation & Development) Act, 1957, Mineral Concession Rules, 1960, Mineral Conservation and Development Rules, 1988 & Mining Leases (Modification of Terms) Rules, 1956 and other provisions applicable and as amended from time to time by the Central Govt. were duly considered at this end. Accordingly, to maintain consistency amongst the Act, 1957,

Act, 1987 and the rules made thereunder, the period of the lease(s) is not changed as the same is already modified as per provisions of Goa, Daman and Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987.

6. In the end, it is stated that the Mines & Minerals (Regulation & Development) Act, 1957 has been extended to the State of Goa vide notifications dated 30-9-1963 and 4-1-1966 issued by the Government of Goa, Daman and Diu and Section 16 of the said Act confers power for modifications of mining lease(s) of the Goa State. Keeping in view of the provisions of the Mines and Minerals (Regulation & Development) Act, 1957, Goa, Daman and Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987 and the rules made thereunder, modification order is made.

Order Passed Accordingly.

C. P. Ambesh, Controller of Mining Leases for India.

Order

Case No. CML/Z-91/2000

[Under Rule 6 of the Mining Leases (Modification of Terms) Rules, 1956]

Whereas a case were registered for the modification of terms of a *mineral mining lease dated 23-02-1951 (10/51) for* Iron & Manganese held by Shri Haidar Kassim Khan, Sanguem, Goa for permanent area 82.0066/Hectares in village Sulcorna, Taluka - Quepem, District South Goa of Goa State.

And whereas an enquiry has been made, as laid down in the Mining Leases (Modification of Terms) Rules, 1956.

2. It is hereby ordered under rule 6 of the aforesaid Rules that terms and conditions of the above lease shall stand modified as follows:-

- (i) Area: The area of the lease is limited to 82.0066 Hectares, only.
- (ii) Period: No change is made as the period of lease(s) is already modified as per provisions of the Goa, Daman & Diu Mining Concession (Abolition and Declaration as Mining Leases) Act, 1987.
- (iii) The following clause shall be deemed to be inserted in the lease deed and shall form part thereof:-

"Except for the modifications made by this order, the lease shall be subject to the rules made or deemed to have been made under Sections 13 and 18 of the Mines & Minerals (Regulation & Development) Act, 1957 (No. 67 of 1957)."

3. It is clarified that royalty and dead rent shall be payable in accordance with Section 9 and 9A of the Mines & Minerals (Regulation & Development) Act, 1957 respectively instead of according to the stipulations in the lease deed.

4. It is further clarified that the lessee shall also pay, for the surface area used by him for the purposes of mining operation, surface rent at such rate, as may be specified by the State Government under the Mineral Concession Rules, 1960.

5. This order shall take effect from the date of this order.

6. It is ordered that this order be published in the Official Gazette of Goa state and copies thereof be sent to the lessee and the State Government.

Sd/- C. P. Ambesh, Controller of Mining Leases for India.

Nagpur: Dated the 31-1-2000.

NOTE EMBODYING THE FACTS OF CASE, PLEAS OF THE PARTIES & REASONS FOR THE ORDER

Case No. CML/Z-91/2000 Order dated 31-01-2000.

Name of the lessee:	Shri Haidar Kassim Khan, Mine Owner, Sanguem, Goa.
Date of the lease:	23-2-1951(10/51)
Mineral(s):	Iron and Manganese
Area and Location:	Village : Sulcorna Taluka:Quepem, South Goa.
Area:	82.0066 Hectares
Period:	Unlimited

Apart from the insertion of the general clause, the following was the proposal contained in the show cause notice(s) issued to the lessee for modification of the mining lease(s) referred to above:

- i) **Area:** To be reduced to ten square kilometres as required under Section 6 of Mines and Minerals (Regulation & Development) Act, 1957.

- ii) **Period** : To be reduced to two years counting from the date of the modification order, passed under Rule 6 of Mining Leases (Modification of Terms) Rules, 1956.

2. In pursuance of rule 6 of the Mining Leases (Modification of Terms) Rules, 1956, the show cause notice containing the proposals for modification of the above mentioned mining lease was sent to the lessee - Shri M/s. Haidar Kassim Khan, and the lessor - the Government of Goa, calling upon them to show cause why such modifications/alterations should not be made in the mining lease deed dated 23-02-1951 held by the lessee.

3. The case was also taken up for hearing on 28-9-99 at Goa for enabling both the parties to put forward their case.

4. At the time of hearing on 28-9-99 at Goa, the lessee was represented by the Advocate who stated that there is no need of modification of existing mining leases of Goa. He reiterated the same objections as has been submitted by the lessee vide his objection letter dated 24-9-99. Further, lessee's Advocate stated during the hearing.

- i) that the proposal to reduce the **area** of lease under Section 6 (i) (b) of Mines and Minerals (Regulation & Development) Act, 1957 is not possible which is likely to negate any decision that may be arrived by the Hon'ble Supreme Court of India in the SLP filed by lessee wherein Ad interim order, passed on 2-3-98 and
- ii) that the proposal to reduce the period to two years from the date of the modification order is not possible as provided under Section 16(1A) of (Mines and Minerals Regulation & Development) Act, 1957. The **period** of the lease has already stand reduced to the extent of six months from the date of assent i.e. 23.5.87 under Section 5 of Goa, Daman & Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987.

The advocate of the lessee has also submitted vide his letter dated 16-9-99 a written gist of oral plea reiterating the same objections as made by him during the hearing at Goa on 28-9-99.

5. I have given my careful consideration to the above objections/plea advanced by the lessee and his advocate and, in my view, they got no force on the basis of my finding given hereunder

- i) that the contention of the lessee(s) is not maintainable as the modification of area is likely to negate the decision that may be arrived by the Hon'ble Supreme Court of India in the SLP wherein Ad interim order was passed on 2-3-98. The Hon'ble Supreme Court of India in Ad interim order dated 2-3-98 has permitted

the appellants to carry on mining operations and mining business in the mining area for which renewal applications have been made on the condition that the appellants shall pay to the respondents from the date of commencement of the impugned Act all the amount of dead rent, royalty as now stipulated by the respondents under the impugned Act without prejudice and under protest. The appellants will also comply with all other conditions. As regards the period from 1961 till the coming into force of the impugned Act, it will be opened to the respondents to take proceedings for assessment of the amount payable by the appellants but no recovery shall be made without further orders from the court. Thus, there is no restraint put by the order of the Hon'ble Supreme Court of India for control of modification of terms of the existing mining lease(s) to bring in conformity with the terms of the MM(R&D) Act, 1957 and the rules made thereunder. Accordingly, the area may be modified without affecting the area under active mining operations.

- ii) that the contention of the party that the provisions of Section 16 of Mines and Minerals (Regulation & Development) Act, 1957 are inconsistent with the provisions of Section 5 of Goa, Daman and Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987, therefore, provisions of the Section 16 of Mines and Minerals (Regulation & Development) Act, 1957 do not apply to the deemed lease(s) of Goa and also affidavit dated 10-1-2000 submitted by the party to abide by the provisions of Mines and Minerals (Regulation & Development) Act, 1957, Mineral Concession Rules, 1960, Mineral Conservation and Development Rules, 1988 & Mining Leases (Modification of Terms) Rules, 1956 and other provisions applicable as amended from time to time by the Central Govt. were duly considered at this end. Accordingly, to maintain consistency amongst the Act, 1957, Act, 1987 and the rules made thereunder, the period of the lease(s) is being modified as per the provisions of the Act, 1987.

6. In the end, it is stated that the Mines & Minerals (Regulation & Development) Act, 1957 has been extended to the State of Goa vide notifications dated 30-9-1963 and 4-1-1966 issued by the Government of Goa, Daman and Diu and Section 16 of the said Act confers power for modification of mining lease(s) of the Goa State. Keeping in view of the provisions of the Mines and Minerals (Regulation & Development) Act, 1957, Goa, Daman and Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987

and the rules made thereunder, modification of lease(s) is made.

Order Passed Accordingly.

C. P. Ambesh, Controller of Mining Leases for India.

the Goa, Daman & Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987.

(iii) The following clause shall be deemed to be inserted in the lease deed and shall form part thereof:-

"Except for the modifications made by this order, the lease shall be subject to the rules made or deemed to have been made under Sections 13 and 18 of the Mines & Minerals (Regulation & Development) Act, 1957 (No. 67 of 1957)."

Order

Case No. Z-429/2000/CML.

[Under Rule 6 of the Mining Leases (Modification of Terms) Rules, 1956]

Whereas thirteen (13) cases were registered for the modification of terms of a *mineral mining lease dated as per enclosed list for* Iron ore held by Shri Vishwasrao Dattaji Chowgule, Goa for Pmt. Period area 966.787/Hectares in Village(s) as per enclosed list District Goa of Goa State.

And whereas an enquiry has been made, as laid down in the Mining Leases (Modification of Terms) Rules, 1956.

2. It is hereby ordered under rule 6 of the aforesaid Rules that terms and conditions of the above lease shall stand modified as follows:-

- (i) Area: The area of the thirteen (13) leases as per list enclosed are limited to 966.787 Hectares only.
- (ii) Period: No change is made as the period of lease(s) is already modified as per provisions of

3. It is clarified that royalty and dead rent shall be payable in accordance with Section 9 and 9A of the Mines & Minerals (Regulation & Development), Act, 1957 respectively instead of according to the stipulations in the lease deed.

4. It is further clarified that the lessee shall also pay, for the surface area used by him for the purposes of mining operation, surface rent at such rate, as may be specified by the State Government under the Mineral Concession Rules, 1960.

5. This order shall take effect from the date of this order.

6. It is ordered that this order be published in the Official Gazette of Goa state and copies thereof be sent to the lessee and the State Government.

Sd/- C. P. Ambesh, Controller of Mining Leases for India.

Nagpur, dated : 31-1-2000

ANNEXURE I

Dated: 31-1-2000

DETAILS OF THE THIRTEEN (13) LEASES

Name of the Lessee & Address:- Shri Vishwasrao Dattaji Chowgule, Chowgule House, Mormugao Harbour, Goa India - 403803.

Sl. No.	Tc. No. & Date of Lease	Village, Taluka, District of Goa.	Area in Hectares	Case No.
1	2	3	4	5
1.	1/53-9-1-1953	Aglote Sanguem S. Goa	78.1000	Z-254
2.	93/53-21-9-1953	Vaguriem Satari	62.2680	Z-346

1	2	3	4	5
3.	58/52 - 11-7-1952	Salginim Sanguem	20.7750	Z-208
4.	14/51 - 2-3-1951	Colomba Sanguem	99.8250	Z-94
5.	106/53 - 16-10-1953	Surla Bicholim	89.0000	Z-359
6.	107/53 - 16-10-1953	-do-	76.8590	Z-360
7.	16/51 - 2-3-1951	Dutal Sanguem	82.0000	Z-96
8.	15/51 - 2-3-1951	Mollem Sanguem	79.9000	Z-95
9.	59/53 - 26-6-1953	Govanem Satari	85.3400	Z-311
10.	46/54 - 6-12-1954	Prina Bardez	99.3600	Z-444
11.	31/54 - 4-6-1954	Sancordem Sanguem	85.5800	Z-429
12.	40/50-22-12-1950	Calem Sanguem	85.7800	Z-79
13.	2/53 - 9-1-1953	Candola Ponda	22.0000	Z-255
Grand Total: 966.7870				

C. P. Ambesh, Controller of Mining Leases for India.

**NOTE EMBODYING THE FACTS OF CASE, PLEAS OF
THE PARTIES & REASONS FOR THE ORDER**

Case No. Z-429/2000/CML Order dated 31-1-2000

Name of the lessee: Shri Vishwasrao Dattaji
Chowgule, Chowgule House,
Mormugao Harbour,
Goa (India) 403803

Date of the lease:

Mineral(s):

Area and location: As per enclosed list

Period: Unlimited

Apart from the insertion of the general clause, the following was the proposal contained in the show cause notice(s) issued to the lessee for modification of the mining lease(s) referred to above:

- i) **Area:** To be reduced to ten square kilometres as required under Section 6 of Mines and Minerals (Regulation & Development) Act, 1957.

- ii) **Period :** To be reduced to two years counting from the date of the modification order, passed under Rule 6 of Mining Leases (Modification of Terms) Rules, 1956.

2. In pursuance of rule 6 of the Mining Leases (Modification of Terms) Rules, 1956, the show cause notice containing the proposals for modification of the above mentioned mining lease was sent to the lessee - Shri V. D. Chowgule, and the lessor - the Government of Goa, calling upon them to show cause why such modifications/alterations should not be made in the mining lease deed dated as per list held by the lessee.

3. The case was also taken up for hearing on 9-12-99 at Goa for enabling both the parties to put forward their case.

4. At the time of hearing on 9-12-99 at Goa, the lessee has submitted an objection letter dated 9-10-99.

- i) that the proposal to reduce the area of lease under Section 6 (i) (b) of Mines and Minerals (Regulation & Development) Act, 1957 is not possible which is likely to negate any decision that may be arrived by the Hon'ble Supreme

Court of India in the SLP filed by lessee wherein Ad interim order, passed on 2-3-98.

- ii) that the proposal to reduce the period to two years from the date of the modification order is not possible as provided under Section 16(1A) of Mines and Minerals (Regulation & Development) Act, 1957.
- iii) The period of the lease has already stand reduced to the extent of six months from the date of assent i.e. 23.5.87 under Section 5 of Goa, Daman & Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987.

Further, the lessee has submitted an affidavit dated 6-12-99 to abide by the provisions of MM(R&D) Act, 1957, MCR, 1960, MCDR, 1988 and ML(MT) Rules, 1956 and other provisions applicable and as amended from time to time by the Central Govt. in respect of his aforesaid lease(s).

5. I have given my careful consideration to the above objections/plea advanced by the lessee and in my view they have got no force on the basis of my finding given hereunder:

- i) that the contention of the lessee(s) is not maintainable as the modification of area is likely to negate the decision that may be arrived by the Hon'ble Supreme Court of India in the SLP wherein Ad interim order was passed on 2-3-98. The Hon'ble Supreme Court of India in Ad interim order dated 2-3-98 has permitted the appellants to carry on mining operations and mining business in the mining area for which renewal applications have been made on the condition that the appellants shall pay to the respondents from the date of commencement of the impugned Act all the amount of dead rent, royalty as now stipulated by the respondents under the impugned Act without prejudice and under protest. The appellants will also comply with all other conditions. As regards the period from 1961 till the coming into force of the impugned Act, it will be opened to the respondents to take proceedings for assessment of the amount payable by the appellants but no recovery shall be made without further orders from the court. Thus, there is no restraint put by the order of the Hon'ble Supreme Court of India for control of modification of terms of the existing mining lease(s) to bring in conformity with the terms of the MM(R&D) Act, 1957 and the rules made thereunder. Accordingly, the area may be modified without affecting the area under active mining operations.
- ii) that the contention of the party that the provisions of Section 16 of Mines and Minerals (Regulation & Development) Act, 1957 are inconsistent with the provisions of Section

5 of Goa, Daman and Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987, therefore, provisions of the Section 16 of Mines and Minerals (Regulation & Development) Act, 1957 do not apply to the deemed lease(s) of Goa and also submitted by the party also affidavit dated 9-12-99 submitted by the party to abide by the provisions of Mines and Minerals (Regulation & Development) Act, 1957, Mineral Concession Rules, 1960, Mineral Conservation and Development Rules, 1988 & Mining Leases (Modification of Terms) Rules, 1956 and other provisions applicable and as amended from time to time by the Central Govt. were duly considered at this end. Accordingly, to maintain consistency amongst the Act, 1957, Act, 1987 and the rules made thereunder, the period of the lease(s) is not changed as the same is already modified as per provisions of Goa, Daman and Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987.

6. In the end, it is stated that the Mines & Minerals (Regulation & Development) Act, 1957 has been extended to the State of Goa vide notifications dated 30-9-1963 and 4-1-1966 issued by the Government of Goa, Daman and Diu and Section 16 of the said Act confers power for modification of mining lease(s) of the Goa State. Keeping in view of the provisions of the Mines and Minerals (Regulation & Development) Act, 1957, Goa, Daman and Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987 and the rules made thereunder, modification of lease(s) is made.

Order passed accordingly.

C. P. Ambesh, Controller of Mining Leases for India

Order

Case No. CML/Z-133/2000.

[Under Rule 6 of the Mining Leases (Modification of Terms) Rules, 1956]

Whereas a case was registered for the modification of terms of a *mineral mining lease dated 3-8-1951 (53/51) for* Iron & Manganese held by Xec Abdul Gofur Alias Shaik Abdul Gofur, for years with/without a renewal clause, area 30.2200 Hectares in Village Curpem, Taluka Sanguem, District South Goa of Goa State.

And whereas an enquiry has been made, as laid down in the Mining Leases (Modification of Terms) Rules, 1956.

It is hereby ordered under rule 6 of the aforesaid Rules that terms and conditions of the above lease shall stand modified as follows:-

- (i) Area: The area of the lease is limited to 30.2200 Hectares only.
- (ii) Period: No change is made as the period of lease(s) is already modified as per provisions of the Goa, Daman & Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987.
- (iii) The following clause shall be deemed to be inserted in the lease deed and shall form part thereof:-

"Except for the modifications made by this order, the lease shall be subject to the rules made or deemed to have been made under Sections 13 and 18 of the Mines & Minerals (Regulation & Development) Act, 1957 (No. 67 of 1957)."

3. It is clarified that royalty and dead rent shall be payable in accordance with Sections 9 and 9A of the Mines & Minerals (Regulation & Development) Act, 1957 respectively instead of according to the stipulations in the lease deed.

4. It is further clarified that the lessee shall also pay, for the surface area used by him for the purposes of mining operation, surface rent at such rate, as may be specified by the State Government under the Mineral Concession Rules, 1960.

5. This order shall take effect from the date of this order.

6. It is ordered that this order be published in the Official Gazette of Goa state and copies thereof be sent to the lessee and the State Government.

Sd/- C. P. Ambesh, Controller of Mining Leases for India.

Nagpur, dated : 31-1-2000.

NOTE EMBODYING THE FACTS OF CASE, PLEAS OF THE PARTIES & REASONS FOR THE ORDER

Case No. CML/Z-133/2000. Order dated 31-1-2000

Name of the lessee:	Xec Abdul Gofur Alias Shak Abdul Gofur
Date of the lease:	3-3-51(52/51)
Mineral(s):	Iron and Manganese.
Area and location:	Vill: Curpem Taluka: Sanguem District: South Goa, Goa.
Period:	Unlimited

Apart from the insertion of the general clause, the following was the proposal contained in the show cause notice(s) issued to the lessee for modification of the mining lease(s) referred to above:

- i) **Area:** To be reduced to ten square kilometres as required under Section 6 of Mines and Minerals (Regulation & Development) Act, 1957.
- ii) **Period :** To be reduced to two years counting from the date of the modification order, passed under Rule 6 of Mining Leases (Modification of Terms) Rules, 1956.

2. In pursuance of rule 6 of the Mining Leases (Modification of Terms) Rules, 1956, the show cause notice containing the proposals for modification of the above mentioned mining lease was sent to the lessee - Shri Xec Abdul Gofur Alias Shak Abdul Gofur and the lessor - the Government of Goa, calling upon them to show cause why such modifications/alterations should not be made in the mining lease deed dated 3-8-1951 held by the lessee.

3. The case was also taken up for hearing on 28-9-99 at Goa for enabling both the parties to put forward their case.

4. At the time of hearing on 28-9-99 at Goa, the lessee was represented by his Advocate who stated that there is no need of modification of existing mining leases of Goa. He reiterated the same objections as has been submitted by the lessee vide his objection letter dated 12-1-2000. Further, lessee's Advocate stated during the hearing.

- i) that the proposal to reduce the area of lease under Section 6 (i) (b) of Mines and Minerals (Regulation & Development) Act, 1957 is not possible which is likely to negate any decision that may be arrived by the Hon'ble Supreme Court of India in the SLP filed by lessee wherein Ad interim order, passed on 2-3-98.

- ii) that the proposal to reduce the period to two years from the date of the modification order is not possible as provided under Section 16(1A) of Mines and Minerals (Regulation & Development) Act, 1957. The period of the lease has already stand reduced to the extent of six months from the date of assent i.e. 23-5-87 under Section 5 of Goa, Daman & Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987.

The advocate of the lessee has also submitted vide his letter dated 16-9-99 a written gist of oral plea reiterating the same objections as made by him during the hearing at Goa on 28-9-99.

5. I have given my careful consideration to the above objections/plea advanced by the lessee and his advocate and, in my view, they have got no force on the basis of my finding given hereunder:

i) that the contention of the lessee(s) is not maintainable as the modification of area is likely to negate the decision that may be arrived by the Hon'ble Supreme Court of India in the SLP wherein Ad interim order was passed on 2-3-98. The Hon'ble Supreme Court of India in Ad interim order dated 2-3-98 has permitted the appellants to carry on mining operations and mining business in the mining area for which renewal applications have been made on the condition that the appellants shall pay to the respondents from the date of commencement of the impugned Act all the amount of dead rent, royalty as now stipulated by the respondents under the impugned Act without prejudice and under protest. The appellants will also comply with all other conditions. As regards the period from 1961 till the coming into force of the impugned Act, it will be opened to the respondents to take proceedings for assessment of the amount payable by the appellants but no recovery shall be made without further orders from the court. Thus, there is no restraint put by the order of the Hon'ble Supreme Court of India for control of modification of terms of the existing mining lease(s) to bring in conformity with the terms of the MM(R&D) Act, 1957 and the rules made thereunder. Accordingly, the area may be modified without affecting the area under active mining operations.

ii) that the contention of the party that the provisions of Section 16 of Mines and Minerals (Regulation & Development) Act, 1957 are inconsistent with the provisions of Section 5 of Goa, Daman and Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987, therefore, provisions of the Section 16 of Mines and Minerals (Regulation & Development) Act, 1957 do not apply to the deemed lease(s) of Goa and also affidavit dated 12-1-2000 submitted by the party to abide by the provisions of Mines and Minerals (Regulation & Development) Act, 1957, Mineral Concession Rules, 1960, Mineral Conservation and Development Rules, 1988 & Mining Leases (Modification of Terms) Rules, 1956 and other provisions applicable and as amended from time to time by the Central Govt. were duly considered at this end. Accordingly, to maintain consistency amongst the Act, 1957, Act, 1987 and the rules made thereunder, the period of the lease(s) is being modified as per provisions of Act, 1987.

6. In the end, it is stated that the Mines & Minerals (Regulation & Development) Act, 1957 has been extended to the State of Goa vide notifications dated 30-9-1963 and 4-1-1966 issued by the Government of Goa, Daman and Diu and Section 16 of the said Act confers power for modification of mining lease(s) of the Goa State. Keeping in view of the provisions of the Mines and Minerals (Regulation & Development) Act, 1957, Goa, Daman and Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987 and the rules made thereunder, modification of lease(s) is made.

Order passed accordingly.

C. P. Ambesh, Controller of Mining Leases for India.

Order

Case No. CML/Z-121,132/99

[Under Rule 6 of the Mining Leases (Modification of Terms) Rules, 1956]

Whereas a case was registered for the modification of terms of following *mineral 2 mining leases dated... mentioned below for *Iron & Manganese held by Shri Roguvir Rajarama Poinguincar, Goa for permanent period area 166.16 Hectares in Village Cudnem, Darbandora, Taluka-Bicholim, Sanguem, District Goa of Goa State.

And whereas an enquiry has been made, as laid down in the Mining Leases (Modification of Terms) Rules, 1956.

2. It is hereby ordered under rule 6 of the aforesaid Rules that terms and conditions of the above lease shall stand modified as follows:—

(i) Area: The area of the following 2 leases is limited to 166.16 Hectares as shown against each.

Sl. No.	Case No.	Location of the area (Vill. Dist)	Mineral for which the lease	Area for which the lease	Date of grant lease.
1.	Z-121	Cudnem-Bicholim	Iron & Manganese.	66.5632	11.5.1951
2.	Z-132	Darbandora, Sanguem	Iron & Manganese.	99.6000	23-7-1951

(ii) Period : The period of the above 2 leases is reduced to Eighteen months from 23rd May '87.

- (iii) The following clause shall be deemed to be inserted in the lease deed and shall form part thereof:—

"Except for the modifications made by this order, the lease shall be subject to the rules made or deemed to have been made under Sections 13 and 18 of the Mines & Minerals (Regulation & Development) Act, 1957 (No. 67 of 1957)."

It is clarified that royalty and dead rent shall be payable in accordance with Sections 9 and 9A of the Mines & Minerals (Regulation & Development) Act, 1957 respectively instead of according to the stipulations in the lease deed.

4. It is further clarified that the lessee shall also

pay, for the surface area used by him for the purposes of mining operations, surface rent of such rate, as may be specified by the State Government under the Mineral Concession Rules, 1960.

5. This order shall take effect from the date of this order.

6. It is ordered that this order be published in the Official Gazette of Goa State and copies thereof be sent to the lessee and the State Government.

Sd/-

(C. P. Ambesh)

Controller of Mining
Leases for India

Nagpur:

Dated: the 23rd Sept. 99

NOTE EMBODYING THE FACTS OF CASE, PLEAS OF THE PARTIES & REASONS FOR THE ORDER

No.	Case No.	Name of the lessee	Date of lease	Mineral(s)	Area & Location	Period
1.	Z-121	Shri Raguvir Rajarama Poinguincar	11-5-1951	Iron & Manganese	66.5632 Hects Cudnem Bicholim.	Unlimited
2.	Z-132	—do—	23-7-1951	—do—	99,6000 Hects. Darbandora, Sanguem	Unlimited

Apart from the insertion of the general clause, the following was the proposal contained in the show cause notice(s) issued to the lessee for modification of the mining lease(s) referred to above:

- i) **Area:** To be reduced to ten square kilometres as required under Section 6 of Mines and Minerals (Regulation & Development) Act, 1957.
- ii) **Period:** To be reduced to two years counting from the date of the modification order, passed under rule 6 of Mining Leases (Modification of Terms) Rules, 1956.

In pursuance of rule 6 of the Mining Leases (Modification of Terms) Rules, 1956, the show cause notice containing the proposals for modification of the above mentioned mining lease was sent to the lessee Shri Raguvir Rajarama Poinguincar, and the lessor - the Government of Goa, calling upon them to show cause why such modifications alterations should not be made in the mining lease deed dated.... held by the lessee.

3. The case was also taken up for hearing on 5-8-99 at Goa for enabling both the parties to put forward their case.

4. At the time of hearing on 25-8-99 at Goa, the lessee was represented by his Advocate who stated that there

is no need of modification of existing mining leases of Goa. He reiterated the same objections as has been submitted by the lessee vide his objection letter dated 9-8-99. Further, lessee's Advocate stated during the hearing:

- i) that the proposal to reduce the **area** of lease under Section 6 (i) (b) of Mines and Minerals (Regulation & Development) Act, 1957 is not possible which is likely to negate any decision that may be arrived by the Hon'ble Supreme Court of India in the SLP filed by lessee wherein Ad interim order, passed on 2-3-98 and
- ii) that the proposal to reduce the period to two years from the **date** of the modification order is not possible as provided under Section 16(1A) of Mines and Minerals (Regulation & Development) Act, 1957. The **period** of the lease has already stand reduced to the extent of six months from the date of assent i.e. 23-5-87 under Section 5 of Goa, Daman & Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987.

The advocate of the lessee has also submitted vide his letter dated 16-9-99 a written gist of oral plea reiterating the same objections as made by him during the hearing at Goa on 25-8-99.

5. I have given my careful consideration to the above objections/plea advanced by the lessee and his advocate and, in my view, they have got no force on the basis of my finding given hereunder.

i) that the contention of the lessee(s) is not maintainable as that the modification of area is likely to negate the decision that may be arrived by the Hon'ble Supreme Court of India in the SLP wherein Ad interim order was passed on 2-3-98. The Hon'ble Supreme Court of India in Ad interim order dated 2-3-98 has permitted the appellants to carry on mining operations and mining business in the mining area for which renewal applications have been made on the condition that the appellants shall pay to the respondents from the date of commencement of the impugned Act all the amount of dead rent, royalty as now stipulated by the respondents under the impugned Act without prejudice and under protest. The appellants will also comply with all other conditions. As regards the period from 1961 till the coming into force of the impugned Act, it will be opened to the respondents to take proceedings from assessment of the amount payable by the appellants but no recovery shall be made without further orders from the court. Thus, there is no restraint put by the order of the Hon'ble Supreme Court of India for control of modification of terms of the existing mining lease(s) to bring in conformity with the terms of the MM(R&D) Act, 1957 and the rules made thereunder. Accordingly, the area may be modified without affecting the area under active mining operations.

ii) that the contention of the party is not maintainable as the Section 16 (1A) of MM(R&D) Act, 1957 is not applicable to the mining lease(s) of Goa. In fact, powers are vested under the said act to modify the mining lease(s) granted on or after 25th day of October, 1949 and the period of such lease shall continue to operate for a period of two years from the date of bringing such lease(s) into conformity with the provisions of this Act. The submission of the lessee that the period of lease(s) in Goa has already stand reduced to six months upto 22-11-87 from the date of assent on 23-5-87 to the Goa, Daman and Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987. However, the said period was extended by the Govt. upto 22-5-88 vide notification, No. 5/51/87-ILD-PF dated 19-11-87 and subsequently, upto 22-11-88 vide Notification No. 5/57/87-ILD-PF dated 20-5-88. Thus, the period of lease was extended by 18 months upto 22-11-88 from the date of assent. Accordingly, to maintain the consistency amongst the Act, 1957, Act, 1987 and the rules made thereunder, the period of

lease may be reduced to the extent of 18 months upto 22-11-88.

6. In the end, it is stated that the Mines & Minerals (Regulation & Development) Act, 19— has been extended to the State of Goa vide notifications dated 30-9-1963 and 4-1-1966 issued by the Government of Goa, Daman and Diu and Section 16 of the said Act confers the power for modification of mining lease(s) of the Goa State. Keeping in view of the provisions of the Mines and Minerals (Regulation & Development) Act, 1957, Goa, Daman and Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987 and the rules made thereunder, modification of lease(s) is made.

Order Passed Accordingly.

C. P. Ambesh, Controller of Mining Leases for India.

Order

CML/Z-162, 285, 398 & 710/99

[Under Rule 6 of the Mining Leases (Modification of Terms) Rules, 1956]

Whereas a case was registered for the modification of following 4 mining leases dated ... mentioned below for* Iron and Manganese held by Shri M/s N. S. Narvekar, Margao, Goa for permanent years with/without a renewal clause, area 311.43 acres/Hectares in Village Curdi, Santona, Molcornem, Shiroda district of Goa State.

And Whereas an enquiry has been made, as laid down in the Mining Leases (Modification of Terms) Rules, 1956.

2. It is hereby ordered under rule 6 of the aforesaid Rules that terms and conditions of the above lease shall stand modified as follows:—

(i) Area : The Area of the following Four leases is limited to 311.43 Hects. as shown against each.

Sl. No.	Case No.	Vill./Tq.	Mineral	Area	Date of grant
1	2	3	4	5	6
1.	2-162	Santona, Taluka: Sanguem	Iron & Manganese	77,5575 Hects.	8-2-1952
		Goa.			

1	2	3	4	5	6
2.	Z-285	Curdi, Taluka: Sanguem, nese Goa,	Iron and Manga-	68.00 Hects.	24-4-1953
3.	Z-398	Shiroda, Taluka: Ponda Goa.	—do—	85.3340 Hects.	28-12-1953
4.	Z-710	Molcor-nem Taluka: Quepem, Goa.	—do—	80.5200 Hects.	29-6-1959

Mines & Minerals (Regulation & Development) Act, 1957 (No. 67 of 1957)."

3. It is clarified that royalty and dead rent shall be payable in accordance with Sections 9 and 9A of the Mines & Minerals (Regulation & Development) Act, 1957 respectively instead of according to the stipulations in the lease deed.

4. It is further clarified that the lessee shall also pay, for the surface area used by him for the purposes of mining operations, surface rent at such rate as may be specified by the State Government under the Mineral Concession Rules, 1960.

5. This order shall take effect from the date of this order.

6. It is ordered that this order be published in the Official Gazette of Goa State and copies thereof be sent to the lessee and the State Government.

(ii) Period:- The period of the above 4 leases is reduced to Eighteen months from 23rd May, 1987.

(iii) the following clause shall be deemed to be inserted in the lease deed and shall form part thereof:—

"Except for the modifications made by this order, the lease shall be subject to rules made or deemed to have been made under sections 13 and 18 of the

Nagpur:

Dated the 23rd Sept. 99.

Sd/-
 (C. P. Ambesh)
 Controller of Mining
 Leases for India

NOTE EMBODYING THE FACTS OF CASE, PLEAS OF THE PARTIES & REASONS FOR THE ORDER

Sr. No.	Case No.	Name of the lessee	Date of lease	Mineral(s)	Area & Location	Period
1.	Z-162	Shri M/s N. S. Narvekar	8-2-1952	Iron & Manga-nese	77.5575 Hects. Santona, Sanguem.	Unlimited
2.	Z-285	—do—	24-4-1953	—do—	68,0000 Hects. Gudi, Sanguem.	—do—
3.	Z-398	—do—	28-12-1953	—do—	85,3540 Hects. Shiroda, Ponda.	—do—
4.	Z-710	—do—	29-6-1959	—do—	80,5200 Hects. Molcornem, Quepem.	—do—

Apart from the insertion of the general clause, the following was the proposal contained in the show cause notice(s) issued to the lessee for modification of the mining lease(s) referred to above:

i) **Area:** To be reduced to ten square kilometres as required under section 6 of Mines and

Minerals (Regulation & Development) Act, 1957.

ii) **Period:** To be reduced to two years counting from the date of the modification order, passed

under rule 6 of Mining Leases (Modification of Terms) Rules, 1956.

2. In pursuance of rule 6 of the Mining Leases (Modification of Terms) Rules, 1956, the show cause notice containing the proposals for modification of the above mentioned mining lease was sent to the lessee Shri M/s N. S. Narvekar, and the lessor- the Government of Goa, calling upon them to show cause why such modification/alterations should not be made in the mining lease deed dated held by the lessee.

3. The case was also taken up for hearing on 25-8-99 at Goa for enabling both the parties to put forward their case.

4. At the time of hearing on 25-8-99 at Goa, the lessee was represented by his Advocate who stated that there is no need of modification of existing mining leases of Goa. He reiterated the same objections as has been submitted by the lessee vide his objection letter dated 5-8-99. Further, lessee's advocate stated during the hearing:

- i) that the proposal to reduce the area of lease under Section 6 (i) (b) of Mines and Minerals (Regulation & Development) Act, 1957 is not possible which is likely to negate any decision that may be arrived by the Hon'ble Supreme Court of India in the SLP filed by lessee wherein Ad interim order, passed on 2-3-98 and
- ii) that the proposal to reduce the period to two years from the date of the modification order is not possible as provided under Section 16 (1A) of Mines and Minerals (Regulation & Development) Act, 1957. The period of the lease has already stand reduced to the extent of six months from the date of assent i. e. 23-5-87 under Section 5 of Goa, Daman & Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987.

The advocate of the lessee has also submitted vide his letter dated 16-9-99 a written gist of oral plea reiterating the same objections as made by him during the hearing at Goa on 25-8-99.

5. I have given my careful consideration to the above objections /plea advanced by the lessee and his advocate and, in my view, they have got no force on the basis of my finding given hereunder:

- i) that the contention of the lessee(s) is not maintainable as that the modification of area is likely to negate the decision that may be arrived by the Hon'ble Supreme Court of India in the SLP wherein Ad interim order was passed on 2-3-98. The Hon'ble Supreme Court of India in Ad interim order dated 2-3-98 has permitted the appellants to carry on mining operations and mining business in the mining

area for which renewal applications have been made on the condition that the appellants shall pay to the respondents from the date of commencement of the impugned Act all the amount of dead rent, royalty as now stipulated by the respondents under the impugned Act without prejudice and under protest. The appellants will also comply with all other conditions. As regards the period from 1961 till the coming into force of the impugned Act, it will be opened to the respondents to take proceedings from assessment of the amount payable by the appellants but no recovery shall be made without further orders from the Court. Thus, there is no restraint put by the order of the Hon'ble Supreme Court of India for control of modification of terms of the existing mining lease(s) to bring in conformity with the terms of the MM(R&D) Act, 1957 and the rules made thereunder. Accordingly, the area may be modified without affecting the area under active mining operations

- ii) that the contention of the party is not maintainable as the Section 16(1A) of MM(R&D) Act, 1957 is not applicable to the mining lease(s) of Goa. In fact, powers are vested under the said act to modify the mining lease(s) granted on or after 25th day of October, 1949 and the period of such lease shall continue to operate for a period of two years from the date of bringing such lease(s) into conformity with the provisions of this Act. The submission of the lessee that the period of lease(s) in Goa has already stand reduced to six months upto 22-11-87 from the date of assent on 23-5-87 to the Goa, Daman and Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987. However, the said period was extended by the Govt. upto 22-5-88 vide notification No. 5/51/87-IL.D-PF dated 19-1-87 and subsequently, upto 22-11-88 vide notification No. 5/57/87-ILD-PF dated 20-5-88. Thus, the period of lease was extended by 18 months upto 22-11-88 from the date of assent. Accordingly, to maintain the consistency amongst the Act, 1957, Act, 1987 and the rules made thereunder, the period of lease may be reduced to the extent of 18 months upto 22-11-88.

6. In the end, it is stated that the Mines & Minerals (Regulation & Development) Act, 1957, has been extended to the State of Goa vide notifications dated 30-9-1963 and 4-1-1966 issued by the Government of Goa, Daman and Diu and Section 16 of the said Act confers the power for modification of mining lease(s) of the Goa State. Keeping in view of the provisions of the Mines and Minerals (Regulation & Development) Act, 1957, Goa, Daman and Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987 and the rules made thereunder, modification of lease(s) is made.

Order Passed Accordingly.

C. P. Ambesh, Controller of Mining Leases for India.

Order

Case No. CML/Z-143/99

[Under rule 6 of the Mining Leases (Modification of Terms) Rules, 1956]

Whereas a case was registered for the modification of terms of a *mineral mining lease dated 19-10-1951 for *Iron and Manganese held by Shri Chandracanta Fandu Naique, Curchorem, Goa for perpetual Period area 69.4745 Hectares in Village Curpem Taluka Sanguem district Goa (S/N) of Goa State.

And whereas an enquiry has been made, as laid down in the Mining Leases (Modification of Terms) Rules, 1956.

2. It is hereby ordered under rule 6 of the aforesaid rules that terms and conditions of the above lease shall stand modified as follows:-

- (i) Area: The area of the lease is limited to 69.4745 Hectares,
- (ii) Period: The period of the lease is reduced to Eighteen months from 23rd May'87.
- (iii) the following clause shall be deemed to be inserted in the lease deed and shall form part thereof:—

"Except for the modifications made by this order, the lease shall be subject to the rules made or deemed to have been made under sections 13 and 18 of the Mines & Minerals (Regulation & Development) Act, 1957 (No. 67 of 1957)."

3. It is clarified that royalty and dead rent shall be payable in accordance with Sections 9 and 9A of the Mines & Minerals (Regulation & Development) Act, 1957 respectively instead of according to the stipulations in the lease deed.

4. it is further clarified that the lessee shall also pay, for the surface area used by him for the purposes of mining operations, surface rent at such rate, as may be specified by the State Government under the Mineral Concession Rules, 1960.

5. This order shall take effect from the date of this order.

6. It is ordered that this order be published in the Official Gazette of Goa State and copies thereof be sent to the lessee and the State Government.

Nagpur:
Dated the 23-9-99

Sd/-
(C. P. Ambesh)
Controller of Mining
Leases for India

NOTE EMBODYING THE FACTS OF CASE, PLEAS OF THE PARTIES & REASONS FOR THE ORDER

Case No. Z-143 Order: Dated 23-9-99.

Name of the lessee: Shri Chandracanta Fandu Naique,
B-1, Felecinta Complex, Post Box
No. 785, Gogol, Margao,
GOA-403 601.

Date of the lease : 19-10-1951

Mineral(s) : Iron & Manganese

Area and Location : 69.4745 Hectares
Taluka:
Curpem,
Sanguem

Period : Unlimited

Apart from the insertion of the general clause, the following was the proposal contained in the show cause notice(s) issued to the lessee for modification of the mining lease(s) referred to above:

- i) **Area:** To be reduced to ten square kilometres as required under Section 6 of Mines and Minerals (Regulation & Development) Act, 1957.
- ii) **Period:** To be reduced to two years counting from the date of the modification order, passed under rule 6 of Mining Leases (Modification of Terms) Rules, 1956.

2. In pursuance of rule 6 of the Mining Leases (Modification of Terms) Rules, 1956, the show cause notice containing the proposals for modification of the above mentioned mining lease- was sent to the Lessee- Shri Chandracanta Fandu Naique, and the lessor - the Government of Goa, calling upon them to show cause why such modifications/alterations should not be made in the mining lease deed dated held by the lessee.

3. The case was also taken up for hearing on 25-8-99 at Goa for enabling both the parties to put forward their case.

4. At the time of hearing on 25-8-99 at Goa, the lessee was represented by his Advocate who stated that there is no need of modification of existing mining leases of Goa. He reiterated the same objections as has been submitted by the lessee vide his objection letter dated 25-8-99. Further, lessee's Advocate stated during the hearing:

- i) That the proposal to reduce the **area** of lease under Section 6(i) (b) of Mines and Minerals (Regulation & Development) Act, 1957 is not possible which is likely to negate any decisions that may be arrived by the Hon'ble Supreme Court of India in the SLP filed by lessee wherein Ad interim order, passed on 2-3-98 and.

- ii) that the proposal to reduce the period to two years from the date of the modification order is not possible as provided under Section 16(1A) of Mines and Minerals (Regulation & Development) Act, 1957. The period of the lease has already stand reduced to the extent of six months from the date of assent i. e. 23-5-87 under Section 5 of Goa, Daman & Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987

The advocate of the lessee has also submitted vide his letter dated 16-9-99 a written gist of oral plea reiterating the same objections as made by him during the hearing at Goa on 25-8-99.

5. I have given my careful consideration to the above objections/plea advanced by the lessee and his advocate and, in my view, they have got no force on the basis of my finding given hereunder:

- i) that the contention of the lessee(s) is not maintainable as that the modification of area is likely to negate the decision that may be arrived by the Hon'ble Supreme Court of India in the SLP wherein Ad interim order was passed on 2-3-98. The Hon'ble Supreme Court of India in Ad interim order dated 2-3-98 has permitted the appellants to carry on mining operations and mining business in the mining area for which renewal applications have been made on the condition that the appellants shall pay to the respondents from the date of commencement of the impugned Act all the amount of dead rent, royalty as now stipulated by the respondents under the impugned Act without prejudice and under protest. The appellants will also comply with all other conditions. As regards the period from 1961 till the coming into force of the impugned Act, it will be opened to the respondents to take proceedings from assessment of the amount payable by the appellants but no recovery shall be made without further orders from the Court. Thus, there is no restraint put by the order of the Hon'ble Supreme Court of India for control of modification of terms of the existing mining lease(s) to bring in conformity with the terms of the MM(R&D) Act, 1957 and the rules made thereunder. Accordingly, the area may be modified without affecting the area under active mining operations.

- ii) that the contention of the party is not maintainable as the Section 16(1A) of MM(R&D) Act, 1957 is not applicable to the mining lease(s) of Goa. In fact powers are vested under the said act to modify lease(s) granted on or after 25th day of October, 1949 and the period of such lease shall continue to operate for a period of two years from the date of bringing such lease(s) into conformity with the

provisions of this Act. The submission of the lessee that the period of lease(s) in Goa has already stand reduced to six months upto 22-11-87 from the date of assent on 23-5-87 to the Goa, Daman and Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987. However, the said period was extended by the Govt. upto 22-5-88 vide notification No. 5/51/87-ILD-PF dated 19-11-87 and subsequently, upto 22-11-88 vide notification No. 5/57/87-ILD-PF dated 20-5-88. Thus, the period of lease was extended by 18 months upto 22-11-88 from the date of assent. Accordingly, to maintain the consistency amongst the Act, 1957, Act, 1987 and the rules made thereunder the period of lease may be reduced to the extent of 18 months upto 22-11-88.

5. In the end, it is stated that the Mines & Minerals (Regulation & Development) Act, 1957 has been extended to the State of Goa vide Notification dated 30-9-1963 and 4-1-1966 issued by the Government of Goa, Daman and Diu and Section 16 of the said Act confers the power for modification of mining lease(s) of the Goa State. Keeping in view of the provisions of the Mines and Minerals (Regulation & Development) Act, 1957, Goa, Daman and Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987 and the rules made thereunder, modification of lease(s) is made .

Order Passed Accordingly.

C. P. AMBESH,
Controller of Mining
Leases for India.

Order

Case No. CML/Z-135/99

Dated 23-9-99

[Under 6 of the Mining Leases (Modification of Terms) Rules, 1956]

Whereas a case was registered for the modification of terms of a *mineral mining lease dated 24-8-1951 for *Iron & Manganese ore held by Smt. Geetabala Manohar Naik Parulekar, Altinho, Mapusa, Bardez, Goa. for Perputual period area 87.5550 Hectares in Village Pissurlem Taluka Satari district Goa (S/N) of Goa State.

And whereas on enquiry has been made, as laid down in the Mining Leases (Modification of Terms) Rules, 1956.

2. It is hereby ordered under rule 6 of the aforesaid Rules that terms and conditions of the above lease shall stand modified as follows:-

- (i) Area: The area of the lease is limited to 87.5550 Hectares.
- (ii) Period: The period of the lease is reduced to Eighteen Months from 23rd May '87.

(iii) The following clause shall be deemed to be inserted in the lease deed and shall form part thereof:-

"Except for the modification made by this order, the lease shall be subject to the rules made or deemed to have been made under Sections 13 and 18 of the Mines & Minerals (Regulation & Development) Act, 1957 (No. 67 of 1957)."

3. It is clarified that royalty and dead rent shall be payable in accordance with Sections 9 and 9A of the Mines & Minerals (Regulation & Development) Act, 1957 respectively instead of according to the stipulations in the lease deed.

4. It is further clarified that the lessee shall also pay, for the surface area used by him for the purposes of mining operations, surface rent at such rate, as may be specified by the State Government under the Mineral Concession Rules, 1960.

5. This order shall take effect from the date of this order.

6. It is ordered that this order be published in the Official Gazette of Goa State and copies thereof be sent to the lessee and the State Government.

Nagpur:

Dated the 23-9-99

Sd/-

(C. P. Ambesh)

Controller of Mining
Leases for India

NOTE EMBODYING THE FACTS OF CASE, PLEAS OF THE PARTIES & REASONS FOR THE ORDER

Case No. Z-135

Order dated 23-9-99

Name of the lessee: Smt. Geetabala Manohar Naik
Parulekar,
Mines Owner, Altinho,
Mapusa-Bardez,
Goa.

Date of the lease : 24-8-1951

Mineral(s) : Iron & Manganese Ore

Area and Location : 87.5550 Hectares,
Village-Pissurlem,
Taluka-Satari.

Period : Unlimited

Apart from the insertion of the general clause, the following was the proposal contained in the show cause notice(s) issued to the lessee for modification of the mining lease(s) referred to above:

- i) **Area:** To be reduced to ten square kilometres as required under Section 6 of Mines and Minerals (Regulation & Development) Act, 1957.

- ii) **Period:** To be reduced to two years counting from the date of the modification order, passed under rule 6 of Mining Leases (Modification of Terms) Rules, 1956.

2. In pursuance of rule 6 of the Mining Leases (Modification of Terms) Rules 1956, the show cause notice containing the proposals for modification of the above mentioned mining lease was sent to the lessee Smt. Geetabala Mahohar Naik Parulekar, and the lessor the Government of Goa, calling upon them to show cause why such modification/alterations should not be made in the mining lease deed dated..... held by the lessee.

3. The case was also taken up for hearing on 25-8-99 at Goa for enabling both the parties to put forward their case.

4. At the time of hearing on 25-8-99 at Goa, the lessee was represented by his Advocate who stated that there is no need of modification of existing mining leases of Goa. He reiterated the same objections as has been submitted by the lessee vide his objection letter dated 7-8-99. Further, lessee's Advocate stated during the hearing:

- i) That the proposal to reduce the **area** of lease under Section 6(i) (b) of Mines and Minerals (Regulation & Development) Act, 1957 is not possible which is likely to negate any decisions that may be arrived by the Hon'ble Supreme Court of India in the SLP filed by lessee wherein Ad interim order, passed on 2-3-98 and.

- ii) that the proposal to reduce the period to two years from the date of the modification order is not possible as provided under Section 16(1A) of Mines and Minerals (Regulation & Development) Act, 1957. The **period** of the lease has already stand reduced to the extent of six months from the date of assent i. e. 23-5-87 under Section 5 of Goa, Daman & Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987

The advocate of the lessee has also submitted vide his letter dated 16-9-99 a written gist of oral plea reiterating the same objections as made by him during the hearing at Goa on 25-8-99.

5. I have given my careful consideration to the above objections/plea advanced by the lessee and his advocate and, in my view, they have got no force on the basis of my finding given hereunder

- i) that the contention of the lessee(s) is not maintainable as that the modification of area is likely to negate the decision that may be arrived by the Hon'ble Supreme Court of India in the SLP wherein Ad interim order was passed

on 2-3-98. The Hon'ble Supreme Court of India in Ad interim order dated 2-3-98 has permitted the appellants to carry on mining operations and mining business in the mining area for which renewal applications have been made on the condition that the appellants shall pay to the respondents from the date of commencement of the impugned Act all the amount of dead rent, royalty as now stipulated by the respondents under the impugned Act without prejudice and under protest. The appellants will also comply with all other conditions. As regards the period from 1961 till the coming into force of the impugned Act, it will be opened to the respondents to take proceedings from assessment of the amount payable by the appellants but no recovery shall be made without further orders from the Court. Thus there is no restraint put by the order of the Hon'ble Supreme Court of India for control of Modification of terms of the existing mining lease(s) to bring in conformity with the terms of the MM(R&D) Act, 1957 and the rules made thereunder. Accordingly, the area may be modified without affecting the area under active mining operations.

- ii) that the contention of the party is not maintainable as the Section 16 (1A) of MM(R&D) Act, 1957 is not applicable to the mining lease(s) of Goa. In fact, powers are vested under the said act to modify the mining lease(s) granted on or after 25th day of October, 1949 and the period of such lease shall continue to operate for a period of two years from the date of bringing such lease(s) into conformity with the provisions of this act. The submission of the lessee that the period of lease(s) in Goa has already stand reduced to six months upto 22-11-87 from the date of assent on 23-5-87 to the Goa, Daman and Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987. However, the said period was extended by the Govt. upto 22-5-88 vide notification No. 5/51/87-ILD-PF dated 19-11-87 and subsequently, upto 22-11-88 vide notification No. 5/57/87-ILD-PF dated 20-5-88. Thus, the period of lease was extended by 18 months upto 22-11-88 from the date of assent. Accordingly, to maintain the consistency amongst the Act, 1957, Act, 1987 and the rules made thereunder the period of lease may be reduced to the extent of 18 months upto 22-11-88.

5. In the end, it is stated that the Mines & Minerals (Regulation & Development) Act, 1957 has been extended to the State of Goa vide notifications dated 30-9-1963 and 4-1-1966 issued by the Government of Goa, Daman and Diu and Section 16 of the said Act confers the power for modification of Mining lease(s) of the Goa State. Keeping in view of the provisions of the

Mines and Minerals (Regulation & Development) Act, 1957. Goa, Daman and Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987 and the rules made thereunder modification of lease(s) is made.

Order Passed Accordingly.

C. P. AMBESH
Controller of Mining
Leases of India

Order

CML/Z-217, 409, 546./99

Dated 23-9-99

[Under Rule 6 of the Mining Leases (Modification of Terms) Rules, 1956]

Whereas a case was registered for the modification of terms of 3 mineral mining leases dated Iron & Manganese Ore held by Shri Atchuta V. S. Velingkar, area 157.55 areas/Hectares in Village Vichundgem, permanent district Rivona, Taluka-Sanguem of Goa State.

And whereas an enquiry has been made, as laid down in the Mining Leases (Modification of Terms) Rules, 1956.

2. It is hereby ordered under rule 6 of the aforesaid Rules that terms and conditions of the above lease shall stand modified as follows:-

- (i) Area: The area of the following 3 leases is limited to 157.55 Hectares as shown against each.

Sl. No.	Case No.	Vill./Tq.	Mineral	Area	Date of grant
1	2	3	4	5	6
1.	Z-217	Vichundgem, Sanguem	Iron & Manganese	59.8180	18-8-1952
2.	Z-409	Rivona, Sanguem	Iron & Manganese	77,7400	16-2-1954
3.	Z-546	Rivona, Sanguem, Goa.	Iron & Manganese	20,0000	6-2-1957

- (ii) Period: The period of the above 3 leases is reduced to Eighteen months from 23rd May'87.

- (iii) The following clause shall be deemed to be inserted in the lease deed and shall form part thereof:-

"Except for the modification made by this order, the lease shall be subject to the rules made or deemed to have been under sections 13 and 18 of

the Mines & Minerals (Regulation & Development) Act, 1957 (No. 67 of 1957)."

3. It is clarified that royalty and dead rent shall be payable in accordance with Sections 9 and 9A of the Mines & Minerals (Regulation & Development) Act, 1957 respectively instead of according to the stipulations in the lease deed.

4. It is further clarified that the lessee shall also pay, for the surface area used by him for the purposes of mining operations, surface rent at such rate, as may

be specified by the state Government under the Mineral Concession Rules, 1960.

5. This order shall take effect from the date of this order.

6. It is ordered that this order be published in the Official Gazette of State and copies thereof be sent to the lessee and the State Government.

Nagpur:

Dated the 23rd Sept' 99.

Sd/-
(C. P. Ambesh),
Controller of Mining,
Leases for India.

NOTE EMBODYING THE FACTS OF CASE, PLEAS OF THE PARTIES & REASONS FOR THE ORDER

Order dated: 23-9-99

Sr. No.	Case No.	Name of Lessee	Date of lease	Mineral(s)	Area & Location	Period
1	2	3	4	5	6	7
1.	Z-217	Shri Atchuta V. S. Velingkar	18-8-1952	Iron & Mangan- -ese	59.81 Hects. Vich-undgem Sanguem.	Unlimited
2.	Z-409	—do—	16-2-1954	—do—	77.7400 Hects. Rivona Sanguem.	Unlimited
3.	Z-546	—do—	6-2-1957	—do—	20.0000 Hects. Rivona Sanguem.	—do—

Apart from the insertion of the general clause, the following was the proposal contained in the show cause notice(s) issued to the lessee for modification of the mining lease(s) referred to above:

i) **Area:** To be reduced to ten square kilometres as required under Section 6 of Mines and Minerals (Regulation & Development) Act, 1957.

ii) **Period:** To be reduced to two years counting from the date of the modification order,

passed under rule 6 of Mining Leases (Modification of Terms) Rules, 1956.

In pursuance of rule 6 of the Mining Leases (Modification of Terms) rules, 1956, the show cause notice containing the proposals for modification of the above mentioned mining lease was sent to the lessee Shri Atchuta V. S. Velingkar and the lessor- The Government of Goa, calling upon them to show cause why such notification/alternation should not be made in the mining lease deed dated... held by the lessee.

3. The case was also taken up for hearing on 25-8-99 at Goa for enabling both the parties to put forward their case.